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Lincoln's Inn.

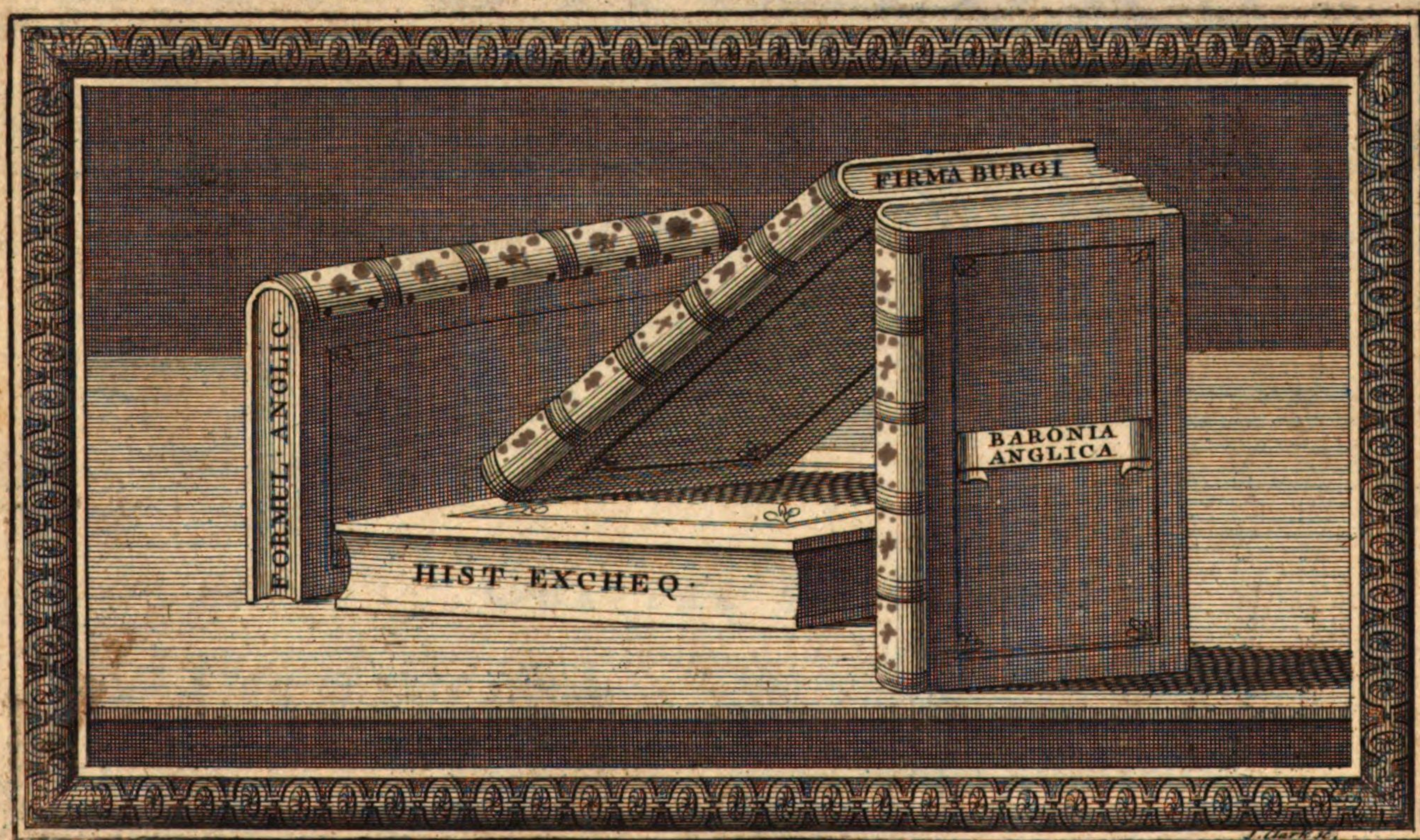
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J. J. M. by

BARONIA ANGLICA.
AN
HISTORY
OF
LAND-HONORS
AND
BARONIES,
AND OF
TENURE in CAPITE.

Thos Verified by RECORDS. *Madox*

By THOMAS MADOX Esquire,
Late His MAJESTIES Historiographer.



LONDON,
Printed for ROBERT GOSLING, at the Crown and Mitre against Fetter-
Lane, Fleetstreet. 1736.

BARON DE MONTMORIN
 HIS STORY
 OF
 LAND AND
 BARON DE MONTMORIN

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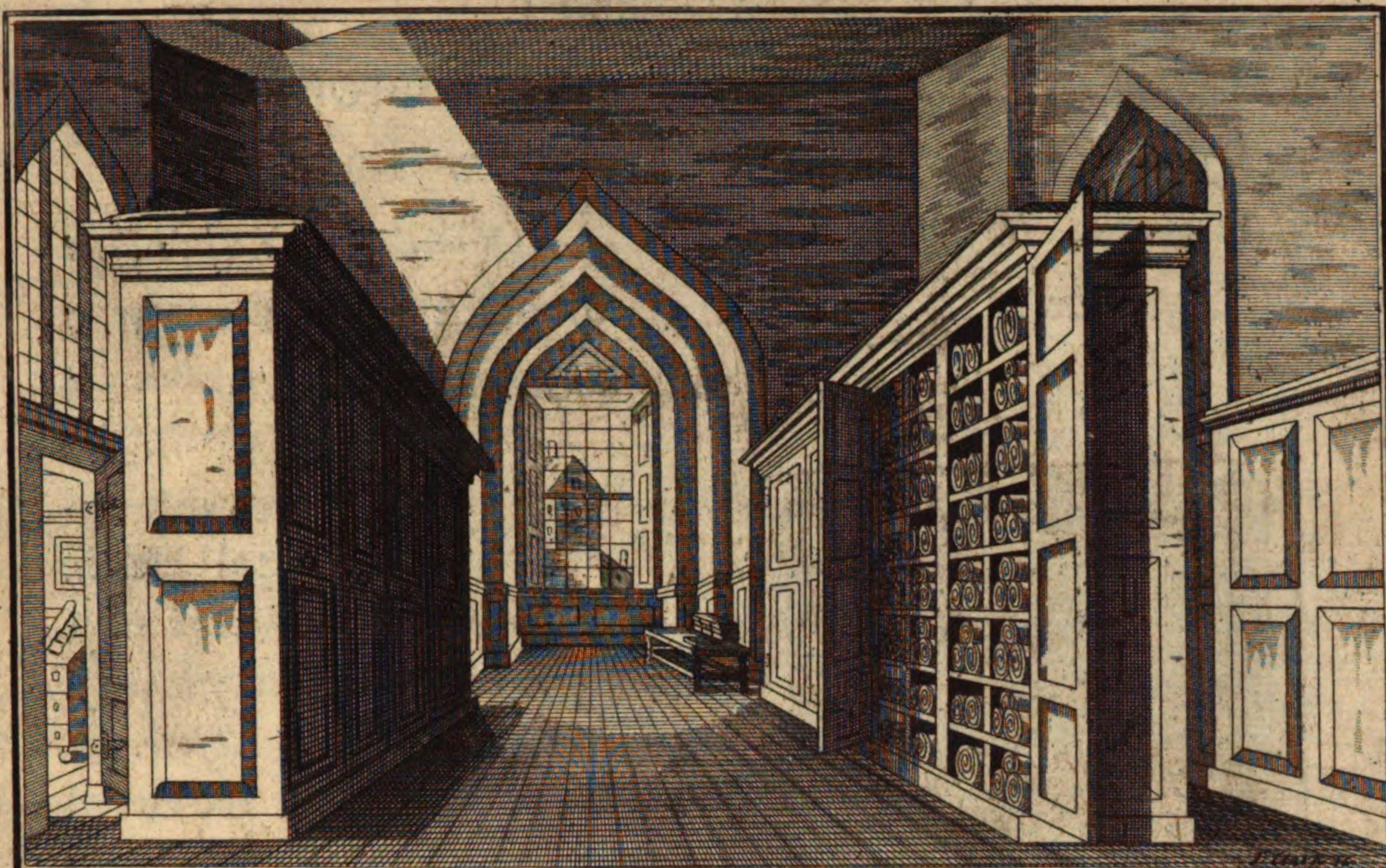
TENURE in CAPITE

Verified by Records
 BY THOMAS MONTMORIN
 Late His Majesty's Secretary

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HISTORY

OF

LAND-HONORS

AND

BARONIES, &c.

BOOK I.

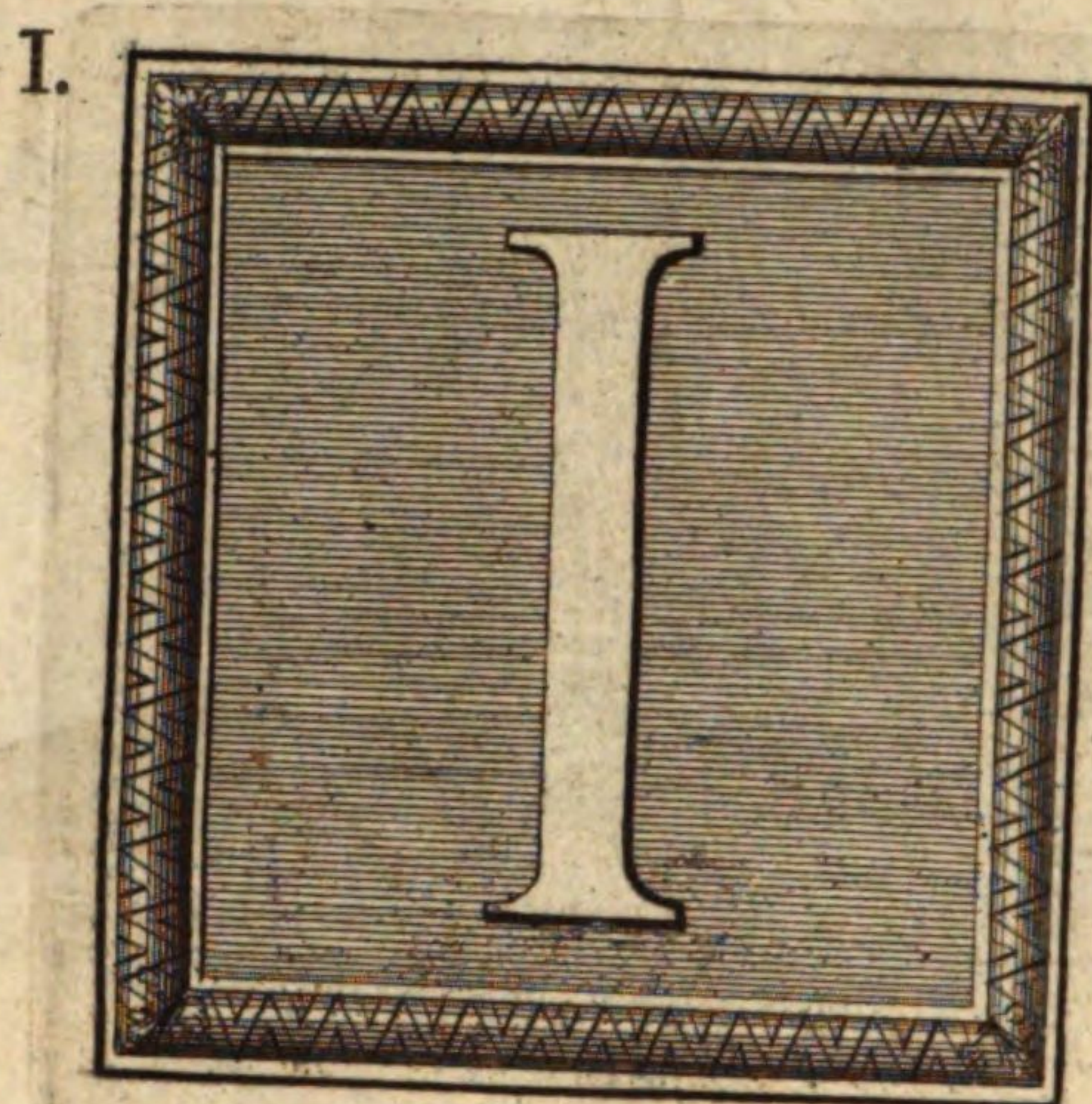
CHAPTER I.

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|--|------------------------------|
| I. <i>A Plan of this Book.</i> | <i>the Nature of a Land-</i> |
| II, III, IV, V. <i>Some Preliminaries concerning</i> | <i>Honor or Land-Barony.</i> |
| B | VI. <i>That</i> |

VI. *That if a Man would speak clearly about Baronies, he must constantly bear in mind the Difference between a*

Land-Barony and a Titular Barony.

VII. *Several Properties of a Land-Barony are enumerated.*



IN this Book I intend to discourse upon these Three Principal Heads. I, Of *Land-Baronies*; copiously. II, Of *Titular Baronies* very briefly. III, Of *Feudal Tenure in Capite*.

II. In ancient times the word *Honor* usually signified the Lordship or Fee of an *Earl*; and the Lordship or Fee of a *Baron*. In process of time, *Honor* and *Barony* came to be used as words of the same import. The word *Barony* needeth no explanation. And in order to fix the meaning of the word *Honor*, in this Discourse we will all along take it in its extensive sense for a *Barony*. So that what shall be here said of an *Honor*, is also to be understood of a *Barony*. An *Honor* then, was the Fee or Seignury of an *Earl* or *Baron*; Relieving of the Crown of *England*. I say, Relieving of the Crown. For every *Honor* or *Barony* in *England* was at one Time or other Created by the King. Originally, or in its First Creation, it moved from the King Himself, the Chief Lord of the whole Realm; and could be holden immediately of no other Lord. For example. The King enfeoffed a Man of a Great Seignury in Land; to Hold to the person enfeoffed and his heirs, of the King and his heirs, by Baronial Service, to wit, by the Service of Twenty, Forty, Sixty Knights, or of such other number of Knights, either more or fewer, as the King by his Enfeoffment limited or appointed. But of these matters I shall have occasion to speak at large hereafter in this Volume.

III. In the ages next after the Conquest, when a Great Lord was enfeoffed by the King of a Large Seignury, such Seignury was called an *Honor*; as, the *Honor of Gloucester*, the *Honor of Walingford*,

lingford, the *Honor of Lancaster*, the *Honor of Richemond*, and the like. It might be also called a *Barony*.

There were in *England* certain *Honors* which were often called by *Norman* or other *Foreign Names*, that is to say, sometimes by *English* and sometimes by the *Foreign Name*. This hapned when the same person was Lord of an *Honor* in *Normandy* or some other *Foreign Countrey*, and also of an *Honor* in *England*. For example. *William de Forz*, *Desforce*, or *De Fortibus*, was Lord of the *Honor of Albemarle* in *Normandy*. He was also Lord of Two *Honors* in *England*, to wit, the *Honor of Holderness*, and the *Honor of Skipton in Craven*. These *Honors* in *England* were sometimes called by the *Norman Name*, the *Honor of Albemarle*, or, the *Honor of the Earl of Albemarle*. In like manner, the Earl of *Britannie* was Lord of the *Honor of Britannie* in *France*, and also of the *Honor of Richmond* in *England*. The *Honor of Richmond* was sometimes called by the *Foreign Name*, the *Honor of Britannie*, or, the *Honor of the Earl of Britannie*. This serveth to explain the terms, *Honor of Albemarle in England*, *Honor Albemarlæ*, or, *Comitis Albemarlæ in Anglia*; *Honor Britannie*, or *Comitis Britannie in Anglia*, the *Honour of Britannie*, or, of the Earl of *Britannie* in *England*. Not that *Albemarle* or *Britannie* were in *England*; but that the same person respectively was Lord of each of the said *Honors* Abroad, and each of the said *Honors* in *England*. In like manner, the Earl of *Boulogne* or *Boloigne* had an *Honor* in the *Boulonois* in *France* (a). He had There a *Sedes Baronialis*. He had also an *Honor* and a *Baronial Seat* in *England*. His *Honor* in *England* was called *Honor Boloniae* or *Comitis Boloniae*. In brief the *Seigneur de Grentemeisnil* had an *Honor* in *Normandy*, called the *Honor of Grentemeisnil*. He had also an *Honor* or *Baronial Fee* in *England*. His *Honor* in *England* was styled *Honor* or *Baronia de Grentemeisnil*. The like may be said of the several *Honors* of the Earl of *Ou*, the Earl of *Moreton*, and others.

This was the manner of speaking used in *England*, in those times when the Lands of the *English* and of the *Normans* were Common, that is, when the *English* held their Lands in *Normandy*,

(a) In Old times, the Boullenois parts of Normandy. Berault Coust. de Norm. in quarto, p 5.

and the *Normans* their Lands in *England*. This Community of Lands between the *English* and the *Normans* began at the time of the *Conquest*, and lasted till the reign of K *John*. After K *John* had lost *Normandy*, he issued a general Proclamation or Precept to Disseise all the *Normans* of their Lands and Rents in *England*. Which Precept was effectually put in execution. As appeareth in the case of *Stephen de Clafford* (b), the Abbess of *Preaux* (c), and in other instances. And as the King of *England* disseised the *Normans* of their Lands in *England*: So the King of *France* disseised the *English* of their Lands in *Normandy*. However, whilst *England* and *France* were upon these terms with each other, the King of *England* made several Grants or Feofments under his Great Seal to his own Subjects or others, and his Subjects made many contracts with one another about Lands and Rents, just as if they expected *Normandy* would soon be recovered and reunited to the Crown of *England*; as in the case of *Geofrey de Sachevill* (d), *Robert Marmium*, *Margaret* Countess of *Win-*

(b) Stephanus de Clafford debet v marcas, pro habenda Inquisitione, utrum ipse cepit ad firmam terram de Clafford, quam habuit ad firmam de Ricardo de Harecurt, & utrum invenit in terra illa aliquod instauramentum vel aliqua catalla necne; & si ipsam instauravit de suo proprio ut dicitur; & si Hugo de Nevilla quando saisivit terram illam occasione Præcepti Regis quod habuit de Normanis dissaisiendis, saisivit catalla sua & averia quæ in ea invenit. *Mag. Rot. 6 Joh. Rot. 10. b. tit. Sudhantescira. Nova oblata.*

(c) Nova Oblata. Abbatisa de Prætelis debet j Palefridum, pro habenda terra, & redditu suo, unde dissaisita fuit occasione generalis præcepti: *Mag. Rot. 8 Joh. Rot. 18. b. tit. Wiltesira.*

(d) Galfridus de Sachevill debet dimidiam marcam, ut scribatur in Magno Rotulo, quod Ela mater sua concessit eidem totam dotem suam quam habuit de Jordano de Sachevill priore marito suo in Anglia, scilicet in Ber-

cholt & alibi in Anglia, & in Normannia, scilicet in Anevill & alibi, rentis sibi quatuor marcatis redditus in Bercholt, scilicet de Molendino de novo ponte xxx solidos per manus Vavafuri, de Algaro de la Milende v solidos, & de terra Vavafuri j libram piperis, & de Roberto Novo homine vj solidos, & de Relicta Godeboldi vj solidos, & de Willelmo Fabro iiij solidos, & de Willelmo Gubiun ij solidos, per manus prænominatorum, cum omnibus servitiis de eisdem terris provenientes; Et quod si forte contingat quod ipse G in fata concedat, tota dos sua in Bercholt in Anglia ad illam E integre revertetur; & quod ipse G concessit ei Molendina sua in Bures, & id quod suum est in Bercholt, pro tota dote sua in Normannia, post mortem suam, si ipse G ante ipsam moriatur. Et quod si forte contigerit quod hæredes præfati G non possint ei warantizare prænomina molendina, tota dos sua in Normannia ad eam plene revertetur.

chester,

chester, (e) and others. But in fact, there never was a durable Reunion of *Normandy* to *England*, from that time to this Day.

IV. In ancient times, a Baronial Estate was wont to be called by several names nearly of the same import, to wit, *Honor*, *Baronia*, *Terra*, *Feodum*, and sometimes, but seldom, *Tenementum*. The Baronial Seignury of an Earl or other Great Baron was commonly called an *Honor*; as well whilst it was vested in such Earl or Baron, as afterwards when it became vested in the Crown. We meet with the Barony of *Adam de Port* (f), the *Terra* of Earl *Simon* of the *Honor* of *Huntedon* and *Gant* (g), the *Feodum* of *Wahull* (h), the *Tenementum* of several Barons (i). But manifold Proofs of these Things may be found in this Book, and in the *History of the Exchequer* (k).

V. A *Land-Honor* or Barony is so called, because it was annexed and united to Land. It was bounded by a determinate extent of ground: like as a Manor Liberty or Ferme was bounded. Thus Cattel was said to be driven out of one Barony into another. In the twentieth year of K *Edward* I, it was Found by an enquest of Jurours, that *Alice de Seynmor* drove several head of Cattel belonging to *Margery de Monselowe* into another Barony; so that *Margery* was deprived of her Waynage for Forty days (l). *Moreover.*

(e) *Hist. Excheq.* p 206. col. 1 & 2.

(f) De Scutagio Pictaviæ Feodum Willelmi de Braiosa de Brechenio debet j marcam, de eodem. Rogerus de Clifford [debet] vij marcas, de eodem, de feodo Roberti de Ewias. Baronia Adæ de Port de Kinton [debet] xxxj l & iiij s, de eodem. Honor de Radenour Willelmi de Braiosa [debet] xx s & ij d, de eodem. *Mag. Rot.* 4 *Hen.* 3. *Rot.* 14 b. m. Herefordscira in Wallia.

(g) Terra Comitum Simonis de Honore de Huntendon & de Gant. *Mag. Rot.* 31 *Hen.* 2. *Rot.* 4. b.

Terra Comitum Legercestriæ. Terra Willelmi de Vesci. Terra Radulphi de Caugi. &c. *Hist. Exch.* p 203. col. 2. & p 204. col. 1 & 2.

(h) Norh[amteshire]. — De Thoma

Wale pro diversis feodis Militum in Cotesbrok, cum Sede Abbatia de Pippe- well, de feodo de Wahull — *Plac. coram Baron.* 25 *Edw.* 3. *Rot.* 57.

(i) Idem Vicecomes r c de Feodis Baronum & Militum qui de Rege tenent in capite in Baillia sua, qui Cartas de Tenemento suo Regi non miserrunt; scilicet de xx marcis de feodo Comitum Albemarle — *Hist. Excheq.* p 403. r. sub anno 14 *Hen.* 2.

(k) *Hist. Exch.* ch. 10. p 203, 204, & passim.

(l) Convictum est per Juratam in quam Alicia de Seynmor se posuit, quod eadem Alicia sepes Margeria de Monselowe in Monselowe fregit, & arbores crescentes in gardino suo & Jutulas [or Juculas] succidere fecit & asportare; Ad dampnum ipsius Margeriae

over. In the eight and twentieth year of K *Henry III*, it is said in the Kings Writ, that according to the Assise of the Exchequer, and the Custom of the Realm, the King might betake him to the Baronie of a Bishop, if at the Kings command, the Bishop did not distrain the Clerks of his Diocese, to pay to the King the debts which they owed him. And it was done accordingly, in the cases of the Bishops of *Exeter* and *Saresbury* (*m*). In the forty-fifth year of K *Henry III*, the Bishop of *Norwich* was commanded by a Writ of the *Exchequer*, to distrain *Roger de Weylaund* by his Ecclesiastical Benefices, to appear and answer in the *Exchequer*. And if the Bishop did not cause *Roger* to appear at the *Exchequer* accord-

geriæ quatuor solidorum; Et quod eadem Alicia cepit decem boves & unum averium ipsius Margeriæ in Monfelowe, & eos fugar[e] fecit usque in aliam Baroniam; Ita quod de waynag[i]o suo fuit impedita per quadraginta dies; ad dampnum ipsius Margeriæ decem solidorum; Et quod eadem Alicia distrinxit prædictam Margeriam per averia caruæ suæ, & per oves suas, pro quodam amerciamiento trium solidorum, ad quos ipsa Margeria fuit amerciata in Curia ipsius Aliciæ, ad dampnum ipsius Margeriæ quadraginta denariorum, & contra Statutum. Convictum est etiam per eandem Juratam, in quam eadem Alicia & Ricardus de Grymynhull Ballivus ipsius Aliciæ se posuerunt, quod iidem Alicia & Rogerus maliciose procuraverunt [per] plures homines de patria illa, ipsam Margeriam in Curia ipsius Aliciæ implacitari, ad dampnum ipsius Margeriæ, & contra Statutum. Convictum est per eandem Juratam, in quam Robertus de Monfelowe se posuit, quod cum idem Robertus fuisset de consilio prædictæ Margeriæ, esculenta & poculenta de ipsa capiendos, idem Robertus se attornavit prædictæ Aliciæ adversariæ ipsius Margeriæ, consilium suum discooperiendo, & consilium eidem Aliciæ contra ipsam Mar-

geriam impendendo. Et ideo cons[ideratum est] quod prædicta Margeria recuperet dampna sua versus prædictam Aliciam: Quæ taxantur ad Centum solidos. Et prædicti Alicia Robertus & Ricardus committantur gayolæ. Postea prædicta Alicia finem fecit pro quadraginta solidis; Richard *Fined in Lxs, and Robert in xls; and Found pledges. Plac. de Juratis & Assis in Com. Salopiæ, Mich. 20 Edw. 1. Rot. 32. b.*

(*m*) Devon. Rex Vicecomiti. Pluries mandavimus per Litteras W Exoniensi Episcopo, quod distringeret Johannem Wak per ecclesiasticum beneficium, ad reddendum nobis xl l, quas nobis debet pro habenda gratia; eo quod dictus Johannes non habet laicum feodum per quod possit ad hoc distringi. Et quia dictus Episcopus mandatum nostrum non est executus, tibi præcipimus quod de catallis prædicti Episcopi in balliva tua facias prædictas xl l; Ita quod eas habeas ad scaccarium nostrum in Craistino —, per aliquem de tuis. Quia per assisam scaccarii nostri, & consuetudinem regni nostri, possumus nos capere ad Baroniam suam, cum ad mandatum nostrum non distringit Clericos Episcopatus sui, ad debita in quibus nobis tenentur nobis reddenda. Et distrin-

accordingly, the King would betake himself to the Bishops Barony (*n*).

VI. In the modern times, men have generally spoken with great confusion and uncertainty concerning *Honors*. The Word hath been strangely tossed about amongst the Lawyers, for want of a distinct notion concerning the thing.

In this instant Century the subject of Barony hath been very much tortured in Pamphlets and Frivolous books: Books beneath Mr *Selden's* Fame for Learning, and especially beneath the Dignity of the Subject.

But this is a light matter. There is much confused and indistinct Discourse upon this subject contained even in the Law-books.

One cause of that confused way of speaking seems to have been this.

gas prædictum Episcopum, quod venire facias coram prædictis Baronibus ad eundem diem aliquem de suis, qui nobis possit respondere de carucag[i]o terrarum suarum quod nobis debet, sicut nobis constat per rotulos Scaccarii nostri. Et habeas —. *Communia* 28 *Hen.* 3. *Rot.* 10. *b*.

Episcopo Exoniensi. Rex eidem. Quia Johannes Wak non habet laicum feodum, per quod possit distringi —; Vobis mandamus, sicut pluries, quod distringatis ipsum per ecclesiasticum beneficium, ad reddendum nobis prædictum debitum —; Alioquin sciatis quod præceperimus Vicecomiti Devonæ, quod illud capiat de Baronia vestra. Teste &c. *Communia* 28 *Hen.* 3. *Rot.* 7. *a*.

Episcopo Sar[esberien]si. — *the like Writ* mutatis mutandis. — ne pro defectu sui Rex capere debeat ad Baroniam suam —. *Ib.* *Rot.* 9. *a*.

(*n*) Norfolkia, Suffolcia. Thomas de Weylaund unus executorum testamenti Johannis de Weylaund attach[iatus] ad respondendum Alano Burnel, unacum Galfr[ido] de Buteringe & Rogero de Weylaund coexecutoribus suis de quater xx & x Marcis, quas idem Johannes ei debuit pro terra ei vendita, Venit &

dixit quod nunquam intromisit se de administratione bonorum & catallorum prædicti Johannis; & de hoc ponit se in inquisitionem patriæ. Et Alanus dicit, quod intromisit se; & de hoc petit patriam. Fiat Inquisitio in pleno Comitatu &c. Et Vicecomes habeat Inquisitionem hic a die Sancti Johannis Baptistæ in xv dies &c. Et si venerit si non, procedat iudicium &c. Et prædictus Galfridus per Attornatum suum concessit, quod intromisit se de prædictis bonis &c. Ideo datus ei dies prædictus &c. Et mandatum est Episcopo Norwych[iæ] sicut pluries quod distr[ingat] Rogerum de Weylaund per beneficia ecclesiastica, quod sit hic ad eundem diem. Et nisi eum tunc habeat hic, capiatur ad Baroniam &c. Mandatum est Vicecomiti & Episcopo &c. Ad quem diem Vicecomes misit Inquisitionem. In qua continetur, quod prædictus Thomas nichil se intromisit de executione testamenti ipsius Johannis facienda, post mortem ejusdem Johannis &c. Et ideo cons[ideratum] est quod ipse recedat inde sine die; & alii executores testamenti prædicti Johannis respondeant eidem Alano, de prædictis quater xx & x marcis &c. Iterum mandatum est Episcopo,

this. Men have been too apt to forget the difference between *Land-Honors* and *Titular Honors*; and to attribute some of the properties of *Titular Honors* to *Land-Honors*, and of *Land-Honors* to *Titular Honors*.

Honors of Ampthill &c. erected.

IN the reign of K *Henry VIII*, some men seem to have thought an *Honor* was onely an illustrious Manour or Lordship, or several Manours united, having one Capital Seat. Thus certain Manours belonging to the Crown were Then created *Honors*, or adorned with That title; as if thereby they were made more Noble. The Kings Manour of *Ampthill* with its members and appurtenances, was by Act of Parliament erected into an *Honor*; in order to make it the more Sumptuous and Princely (o). In like fashion the Kings Manour of *Hampton Court* was made an *Honor* (p). And for the like reason of Splendour, the Manour of *Graf-*

ton

piscopo, quod distringat Rogerum de Weylaund &c. quod habeat eum hic in Octabis Sancti Michaëlis. Et nisi; Rex capiet ad Baroniam &c. *Rot. Placitorum Scaccarii* 45 *Hen. 3. Rot.* 10. b.

(o) An Act touching the Honor of Ampthill.

Considering that the Kings most excellent Majestie mindeth and intendeth, by the grace of God, to erect build and edifie upon his Graces Manour of Ampthil in the Countie of Bedford, sumptuous stately beautifull and Princely buildings—. It seemeth therefore very behovefull expedient and requisit, that not alonely —, but also ought of all conveniencie in reason to be ornated and set forth with the name and title of an Honour, thereby insinuating and declaring that the thing shal be no lesse honorable and princely in rich and faire possessions, then stately and commodious as well in things of pleasure, as in sumptuous and costly buildings.

Wherefore be it enacted —. *Statut. 33 Hen. 8 cap. 37. Sect. 1. typis Nortoni & Billi* 1618.

(p) An Act whereby the Kings Mannor of Hampton Court is made an Honour, and a New Chase thereto belonging.

Forasmuch as it hath pleased the King our most excellent and most dread sovereigne Lord, of late to erect build and make a goodly sumptuous beautifull and Princely Mannor, decent and convenient for a King, and the same hath ornated with Parks gardens orchards, and other things of great commoditie and pleasure thereunto adjoyning, meet and pertinent to his royall Majestie —. *Section 1.*

— And that the same Mannor of Hampton Court, together with all other the said Manors lands tenements, and other the premisses above rehearsed and specified, so united and annexed to the same Mannor of Hampton Court, shall from henceforth be named

ton was also erected into an *Honor*, in the same reign (q). From these three instances it appeareth, that the true nature of an *Honor* was not distinctly understood or duly regarded by him that penned those Acts. For observe, if you please. The Manour of *Hampton-court*, by force of one of these Acts is made and declared to be an *Honor*; viz. It shall be styled an *Honor*: It shall be composed of several Manours united together: And it shall have a Capital Seat, to wit, the Manour of *Hampton-court*. What operation then hath this Statute. It hath this operation. By It *Hampton-Court* is made an *Honor* in name. It hath been ever since and must be hereafter called an *Honor*. Besides that, it is made an *Honor* in some particulars of Resemblance; to wit, as it is now composed of several Manours combined, and hath a Capital Seat. Thus it hath gained some of the properties of an *Honor*. In truth, it is made an *Honor* of a New species; such a one as never was, I think, in *England* before the reign of K *Henry VIII*. For let it be considered. The essential and distinguishing property of an *Honor* vested in the King was to be a *Barony escheated*. If *Hampton-Court* which was not an *Escheat* or *Barony escheated*, before the making of the Act, it was not *Escheat* or *Barony escheated*, after the making of the Act, or by vertue of it. If it was not in fact an *Escheat*, an Act of Parliament could not alter the nature of it, and make it an *Escheat*.

A Manour, of which the King was seised in demeane as his primeval inheritance, and which never was in the tenure of a Feudatary, was not wont to be called an *Honor*.

These Statutes were founded in great measure upon this fancy, that a Manour or Estate was made more Noble or splendid by being titled an *Honour*. For I cannot see how a Royal Manour, which was part of the Kings Original Patrimony, could be made more Noble by bearing the Baronial title of an *Honour*. Moreover; if a Manour or Estate vested in the Crown never was a Barony or the Capital Seat of a Barony, it could not be an *Honor* properly speaking. If it was part of the Kings Original Inheritance;

med called accepted and taken the Honor of Hampton Court; And that the said Mannor of Hampton Court shall from henceforth be the chiefe and ca-

pitall place and part of the said honor of Hampton Court. Statut. 31 Hen. 8. cap. 5. Sect. 1 & 3.

(q) Statut. 33 Hen. 8. cap. 38. Sect. 1.

tance; if it never was aforetime vested in an Earl or Baron, and did not come to the Crown by Escheat; it was not properly an *Honor*. It might indeed be created an *Honor*, or rather a Nominal *Honor*. But such Creation could not alter the nature of it, or make it to be an *Honor* in fact; that is to say, it would not make it a Baronial estate if it never was one, nor an Escheat if it never was one.

The abovenamed *Honors* of *Amptbil*, *Hampton-Court* and *Grafton* were the First *Land-Honors* that ever were created or erected by Statute; and probably will be the Last.

For proof of this point the following case may suffice instead of many.

Lady Gerards case, a^o 7^o Will. 3.

IN the Seventh year of K. *William III*, a Cause pended in the Court of *Kings Bench* relating to the Lord *Gerards* Barony. The main question was, Whether the Lord *Gerards* Widow should be endowed of the *Chief Mansion* or *Seat* of her deceased Husband. The Counsel against her alleged that she should not; For by the Law of *England*, said they, the Widow of a Baron shall not have Dower of the *Caput Baronie* which was her Lords. They took his *Chief Dwelling-house* or *Seat* to be his *Caput Baronie*. This question was debated in open Court; and no Judgment is here given (r). But in this case, the Counsel argue in a confused manner. They mix or unite opposite ideas. They attribute to *Land-baronies* the properties of *Titular baronies*, and to *Titular baronies* the properties of *Land-baronies*. They did not duly consider, that the terms *Caput Baronie*, *Head* or *Capital Seat* of a Barony, were not applicable to a *Titular Barony*, but to a *Land-Barony* only. When therefore it is said in the Ancient Law, That the Widow of a Baron shall not have Dower out of the *Caput Baronie* of her late Husband, manifestly That is to be understood onely of *Land-Honors* or *Baronies*, and not of *Titular Baronies*; that is to say, of *Baronies* by *Tenure*, which were created by *Fesment*, and not of *Baronies* consisting barely in *Title*.
The

(r) *Lady Gerards case*, *Modern Rep.* Part v. p 64, 65, 66.

The Lord *Gerards* was purely a Titular Barony. And Titular Baronies have no *Caput Baronie* belonging to them. Wherefore I do humbly apprehend, that in the case just above mentioned, the Counfel disputed and laboured about a Shadow.

VII. An *Honor* vested in the Crown was in its nature an *Escheat*, a *Barony escheated* to the Sovereign. A Manour or Lordship which was part of the original Inheritance of the Crown, was not wont to be called an *Honor*, nor could properly be so called. For in regard an *Honor* was a *Barony*; no Manour or Land that was part of the original Inheritance of the Crown was or could be a *Barony*.

But a Manour or Lordship which never had been vested in some Earl or Baron, was not (for ought that I know) wont to be called an *Honor*. In truth it could not properly be so called. For an *Honor* was a Great Barony. But a Manour which was part of the Ancient and Original Inheritance of the Crown could not be called an *Honor*, because it never was a Barony, or, in the seifine of an Earl or Baron. An *Honor* vested in the Crown was in truth a Barony escheated.

In old times *Escheats* and *Honors* are often joined together, as agreeing in sense and signification.

An Old Roll of the one and thirtieth year of K *Henry II*, extant in the Exchequer, is entituled *Rotulus de Honoribus*; and containeth an account of divers *Honors* and *Escheats* (s).

Honors and *Escheats* are joined together in the Great Charter of K *John* and That of K *Henry III*; and in other Records (t).

An *Honor* at one time or other must have been the *Fee* of an Earl or Baron. Whilst it was vested in an Earl it was called an *Honor*.

Afterwards whilst it was vested in the Crown by *Escheat* it was likewise called an *Honor*.

The same if it was vested in the King by right of Wardship.

An *Honor* in the Kings hand was an *Escheat* or Wardship.

When an *Honor* was in the Kings hand, either by *Escheat* or Wardship,

(s) *Ex ipso autographo in archivo Rememoratoris Thesaurarij.*

(t) *Hist. Exch. p 449. col. 1. q. sub anno 31 Hen. 2. & ib. col. 2. r & s. ad ann. 34 Edw. 1.*

Cornubia. — tenebantur de Eschaetis & Honoribus in manu ejusdem Patris —. *Mich. Brevia Returnab. 1 Edw. 2. Rot. 87. b.*

Wardship, the King by his Prerogative, held it *in Dominio*, or *tanquam in Dominio*.

The Sherif of *Hanteshire* was charged with a Debt of *xxs* to K *Henry II*; it was to be required of the Kings Demeane, to wit, of the *Honor* of *Richard de Hay* (*u*).

When a Great Seignury holden of the King *in Capite* devolved to the Crown by Escheat, it straitway became vested in the King in the same plight, to many purposes, as it was Before vested in the Tenant *in Capite*; that is to say, if such Seignury was an *Honor* or *Barony*.

All the while these *Honors* rested in the Crown, great care was taken, by the Kings Officers of his Revenue in the ancient times, to distinguish between the Kings primordial Inheritance and these *Honors* or Escheats.

It was of importance to the Crown, and it was of importance to the Tenants in Chivalry, who held land of these *Honors*, to have That distinction kept-up. For Example. When the *Honor* of *Gloucester* devolved to the Crown by Escheat, *John de Torington* a Tenant in Chivalry holding of the King as of That *Honor*, was not bound to Do Personal Service in the Kings Army. If he paid Escuage for the Army, it sufficed. Whereas if he had held of the King *ut de Corona*, that is, as of the Kings primeval Inheritance, he would have been obliged to do Personal Service in the Kings Army [or in a Castle]; and paying of Escuage would not suffice without the King's express acceptance.

When the Earl of *Gloucesters* Barony was vested in the King by Escheat, *John de Torington* became Tenant *in Capite* to the King. Before, the Earl of *Gloucester* was his immediate Lord, and he the Earls Tenant *in capite* or *sine medio*. As soon as the Earls Barony was united to the Crown, the Earl being *sublatus e medio*, the King became *Johns* immediate Lord, and *John* the King's immediate Tenant, or Tenant *in Capite*. But Then, the Earls Barony or Honor became, by escheating, united to the Crown in the same plight, to some purposes, in which it was lately vested in the Earl.

And

(*u*) Idem Vicecomes debet *xxs* de dimidio hundredo de Fiskenden, quia recep[it] hominem ad Juratam qui non erat de Hundredo; qui remanent fu-

per Dominium Regis de Hon[ore] Ricardi de Haia. *Mag. Rot.* 30 *Hen.* 2. *Rot.* 6. *b.* *Sudhantescira*.

And as to those purposes, the Chevalerian Tenants of the Earl continued Chevalerian Tenants to the King, in the same plight or manner of Holding, as they stood-in to the Earl. For Example.

Whilst the Earl of *Gloucester* was living, *John de Torinton* and others, who were Chevalerian Tenants to the Earl, were not answerable, for their Services in the Kings Army, to the King, but to the Earl who was their immediate Lord. The Earl who was immediate Tenant to the King, was answerable to the King for all the Knights Fees pertaining to his *Honor*; and his Knights, holding those Fees, to him. The Earl was bound to Do Personal Service in the Kings Army, and to Find so many Knights as his *Honor* was charged with.

If the Earl Fined to the King to be excused Doing Personal Service in the Army, to wit, under the terms, *Ne transfretet, pro Passagio, pro licentia remanendi ab exercitu*, or the like; his Knights were to help to acquitt him towards the King of that Fine, by paying each-one his afferant part of it to the Earl.

If the Earl paid Escuage to the King, then his Knights were to pay Escuage to Him, each Knight according to the number of his Fees.

Many of the privileges and preeminencies belonging to Baronage were, as it seemeth, founded on the ancient Barony by Tenure.

Peerage.

Peerage was the state or condition of a Peer. It consisted chiefly in That relation which the Barons or Peers of the *Kings Court* bare to one another. Baronial Tenure or Creation were the Foundation of Peerage. For when a man was either feft in Barony, or was created a Baron or Earl, he was *ipso facto* a Peer, one of the *Pares Curiae Regis*.

In the Year 1293, *Adolph* King of the *Romans* judicially Decreed, That if a Lord of Fees was invaded by his Vassal or Feudatary in a hostile manner, before the Vassal had furrendred his Fee to his Lord, he should stand to the Judgment of his Com-

E

peers

peers or Convassals concerning such Invasion (*w*). But I conceive this Decree was but an affirmance of the Feudal law in that point, as it stood in force in *Germany* and other Countries of *Europe*, long before the days of *Adolph* King of the *Romans*.

Cujacius saith, the *Pares Curtis* were *Convassals*, holding Fees of the same Lord. And in That he saith true. He adds, that these *Pares Curtis* were sometimes styled *Pares Curia* (*x*). But I conceive there was no occasion to add *Sometimes*. Because it looks like making a Distinction where there is no Difference. *Curtis* signifieth *Court*, and so doth *Curia*. The Words bear the same meaning; save that *Curtis* was a word used most in the Older Feudal ages, and *Curia* a word used most in the Subsequent Feudal ages. The *English* nation, and (I think) the *French* nation too, have been wont to use the word *Curia* most frequently.

In the Feudal dialect, when we speak of *Peers*, *Curia* is always understood, though it be not expressed. For example. By *Pares Angliae* we mean *Pares Curia Regis Angliae*: and by *Pares Francia*, *Pares Curia Regis Francia*.

Commoners were also Peers to one another. In the *Great Charter* of *K John*, it is said, “Let no free man be taken or imprisoned, or disseised, or outlawed, or banished, or any way destroyed, nor will we pass upon him, otherwise than by the lawful judgment of his Peers, or by the law of the Land (*y*)”. In like manner,

(*w*) Nos Adolphus Dei gratia Romanorum rex augustus. Ad universorum notitiam volumus pervenire, quod anno Domini MCCXCIII, tertia post diem annuntiationis B Mariæ Virginis, nobis apud Oppeingheim pro tribunali sedentibus, per sententiam est obtentum, quod dominus aliquorum feudorum invasus hostiliter a vassallo vel feodatario, antequam feoda reportet ad manus domini, præfixo die & loco invasori in præsentia comparum & convassallorum suorum stabit contentus sententia quam ii super invasione hujusmodi duxerint proferendam. *Thesaur. Anecdotorum Marteni & Du-*

randi Virorum cl. Tom. 1. col. 1255.

(*x*) Sunt autem Pares Curtis, qui & Pares Curia dicuntur nonnunquam & Pares Domus, Convassalli, qui ab eodem Domino eademve Domo feuda tenent. *Cujacii Comment. in Lib. 1. de Feudis, tit. 1. p 18.*

(*y*) Nullus liber Homo capiatur vel imprisonetur, aut disseisatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum, vel per legem terræ. *Mag. Charta autographa Regis Joh. in Bibl. Cott. Augustus 11, p 104.*

manner, the *Great Charter* of K *Henry III*, saith, “No free Man
“shall be taken and imprisoned, or disseised of his Freehold, or
“of his Liberties or Free customs, or be outlawed banished or
“any way destroyed, and that the King will not Pass upon him,
“unless by the legal judgment of his Peers, or by the law of the
“Land (z)”.

But there was a great Difference between these *Commoner-Peers* and the *Baronial Peers*. It was not needful, that the *Commoners* should be Feudataries of the same Lord, or Peers of the Court of the same Lord; and generally they were not so. Wherefore they were not properly *Pares Curtis* or *Curia*. But as *Commoners* they were deemed persons of the same Rank. And so were Peers rather by way of Resemblance than in reality.

Xenophon in his *Institution of a Prince* entituled *Κυροπαιδεία*, relateth, that in *Persia* in the days of *Cyrus*, there was an Order of Noblemen called *ὁμότιμοι*, *Homotimoi*, *Pares* or *Æquales*, *Peers*. “But several of the *Homotimoi* (saith he) came-forth, who were
“never wont to march [into the Field]; and again, These *Homotimoi*, being few, do easily rule the other *Persians* though
“many (a)”.

But I would not encourage any man to believe, that Feudal Customs or Manners prevailed either amongst the *Persians* or the *Greeks* in the days of *Xenophon*; or that there was then in either of those Countries, a Rank of Men who might be likened to the *Pares Curtis* or *Curia*, known amongst the Feudists.

Likewise, amongst the *Romans*, towards the declension of That Empire, there was a Superiour rank of men called *Patricii*.

Mr Selden of Famous memory speaks as if he thought *Patricii* and *Pares* were cognate. He joins these Two together, as words of the same or like meaning (b). But in this case *Mr Selden* seems to

(z) Nullus liber Homo capiatur & imprisonetur, aut disseisiat de libero tenemento suo, vel libertatibus vel liberis consuetudinibus suis, aut utlagetur, aut exulet, aut aliquo modo destruat, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ. *Magna Charta Regis Hen.*

3. recitata & confirmata ab Edw. 1. Rege; quæ extat in archivo S Petri Westmonasterii.

(a) Ἄλλοι δὲ καὶ τὸ ἀδελφώποτε ἐξελεθόντων προσέρχοντ' ὁμοτίμων —. ὀλίγοι ὄντες ἔτοι οἱ ὁμότιμοι καλέμενοι, πολλῶν ὄντων τ' ἄλλων Περσῶν ῥαδίως ἀρχουσιν. *Xenoph. Cyropæd. L. 2. Sect. 1.*

(b) So they do both in France, with us,

to speak unadvisedly. The whole Body of the *Feudists* are against him. His notion is expressly rejected by *Cujacius* (c).

Sir *Robert Cotton*, in his *Posthuma* or *Remains*, hath a little Tract, entituled, “ That the Kings of England have been pleased
“ usually to consult with their *Peers* in the Great Council, and
“ Commons in Parliament, of Marriage Peace and War (d).

Here *Sir Robert* speaks uncautiously; in calling the Lords the *Kings Peers*. For Subjects, either Lords or others, cannot be Peers to their Sovereign. It is a repugnancy, to suppose the same person to be a *Sovereign*, and at the same time an *Equal*. Of this opinion is *Duarenus* (e), and others (f).

I speak now of the Peerage of *France* in its most ancient state, before the *Twelve Peers* were instituted There. Before That institution, the Peerage of *France* and That of *England* seem to have been very like to each other; that is to say, in each of those Two Kingdoms their Peerage was founded in their Baronage, and consisted in the relation they bare to one another as Peers of their Kings Court. In *France* they called the Peerage *Pairie* (g).

But in *France* for many years past, when they speak of *Pairie*, *Peerage*, they most commonly mean the *Pairie* of the said Twelve *Peers*. The lustre of which *Pairie* hath eclipsed and obscured the ancient *Pairie* of the Baronage of *France*.

In

us, and elsewhere, well interpret the Persian ὁμότιμοι, as if you should say compagnons en honneur. Some, and those of no small note, have thought that the French name of Pairs came out of Patrices or Patricii, which indeed were of like dignitie in the Declining Empire, and first instituted (farre different from those occurring in the elder Roman storie) by Constantine the Great. [Mr Selden addeth much other confused matter. And so he ends this Chapter thus]. But of Peers and Patrices thus much. *Seldens Titles of Honor, in quarto, p 350, 351. edit. A. D 1614.*

(c) Sunt autem Pares Curtis convallii. Non quasi Patricij, ut volunt ignari feudorum. *Cujac. Comment. in*

Lib. 1. de Feudis, tit. 1. p 18.

(d) *Cottoni Posthuma, Tract. 2.*

(e) *Duarenus in consuetudines feudorum, cap. 20. Sect. 1. cited in Hist. Excheq. p 3. col. 2.*

(f) Ils [viz. les pairs de France] furent appelez pairs, pour estre entre eux pareils, non avec le roy, ce qui est clairement escrit en l'arrest donné contre le comte de Flandres au parlement de la Toussaincts, l'an mil deux cens quatre vingts & quinze. Et soit en entendu qu'il y a parité quant a la dignité de pairrie, & que l'un n' a plus de voix & opinion que l'autre. *Memoires de J. Du Tillet liv. 2. p 208.*

(g) *Journal de Palais, Tom. 1. p 38 & seqq.*

In relation to the Twelve Peers of *France*; there is diversity of opinion concerning the time of their first institution, and other circumstances or questions relating to them. About which, it is not needful for me to enquire. The Discussion of That must be left to the Learned Gentlemen of the Law in the Renowned Kingdom of *France*; who are best able to discuss and settle this point. In the mean time, the *English* Reader may, if he pleaseth, consult Messires de *Mezeray* (b), *Du Tillet* (i), and others, upon this head.

The following properties were incident to an *Honor*, and inseparable from it.

A Castle was the Caput Baronie.

AN *Honor* had a Capital Seat. That Manor or Seat was called *Caput Honoris* or *Baronie*. It was commonly a Castle.

Caput Honoris.

IN the Second year of the reign of K *John* a doubt arose concerning a Knights Fee in *Eaton*. *Elias Croc* prayed he might have the Judgment of the Kings Court, Whether his Father *Matthew* could alien That Fee to his Younger Brother Uncle of *Elias*, in regard it was a Barony, and the *Caput Honoris* (k). Not that it was an entire Barony of it self. For one Knights Fee would not amount to a Barony. But that it was a Barony, to wit, a Baronial Fee; not barely a Knights Fee. As if he had said, Inasmuch as the said Fee is Baronial; and not onely so, but even the Capital Seat of the *Honor* or Barony.

It is to be remembred, that a City or Town could not be the *Head* of a *Barony*. When a Town was Part of a Barony, it was only

(b) *Abregé Chronol. Tom. 1. p. 364, 365, edit. 1668:*

(i) *Memoires, liv. 2. p. 208, 209, 210 & seqq.*

(k) *Elyas Croc debet xxx marcas & 1 palefridum, pro habenda inquisitione de feodo 1 Militis in Eaton, utrum scilicet Matthæus Croc pater ip-*

fius tenuerit illud feodum de Rege in Capite in Dominico suo, & pro habendo Judicio Curie Regis, an Pater ejus illud feodum dare potuit fratri suo juniori Avunculo ipsius Elyæ in hæreditatem, deficut feodum illud est Baronia, & caput illius Honoris. Mag. Rot. 2 Joh. Rot. 11. b. tit. Wiltescira.

only Part of the Demeanes of the Barony. But if there was a Castle There, the Castle was usually the *Head* of the *Barony*. The Castle belonging to the Barony was an Honorary part of the Barony: the Town belonging to the Barony a Plebeian or Inferiour part. The Castle might be compared to the *Grand Sale* or *Hall* of the Barony, the Town to a *Store-room*.

But in regard the Town consisted onely *in dominico* and not *in servitio*, it could not by any means be the *Caput Baronie*. For example. The Town of *Richmond* in *Yorkshire* was Part of the Demeane of the *Honor* of *Richmond*. But the Castle was the *Caput Honoris*. No wonder therefore that in the *Register* of That *Honor* little or no mention was made of the Town, whilst the Castle was accurately described, and the several Officers, Wards, and Services of the Castle were There particularly set-down. For the Castle was in its nature *Baronial* and Superiour; but the Town was in its nature *Burgensick* and Inferiour.

The case was alike in relation to the Castle and Burgh of *Wallingford*. The Castle not the Burgh was the *Caput Honoris*.

And so in other cases.

Vid. the Section, where *tenere ut de Castro* and *tenere ut de Honore* are Synonymous.

We must not therefore suppose, that the Town of *Richmond* was the *Capital Seat* of the *Honor* of That name (l).

In the Seventh year of K *William III*, a Gentleman of Distinction in the Common-Law took-up the like groundless notion upon this subject. The Reporter of the Case of the Lady *Gerard* brings him in saying thus. “*Rokeby*, Justice. When a Barony was anciently granted, there was a Castle with a Territory also granted. Suppose there be a Barony of *Stafford*, and all the Houses in the Town of *Stafford* belonged before to the New Baron, which House shall be called *Caput Baronie*? (m).

A City or Town therefore might be and often was Part of an *Honor* or Barony. But Then it was not a Capital but an Inferiour Part of such Barony.

(l) De *Richmundiæ oppido*, quamvis sedes sit & caput Honoris amplissimi, levis vel nulla hucusque in Registro habetur mentio. *Registrum Ho-*

noris Richmundiæ, viz. in appendice p 252; ex recensione, ut fertur, *Rogeri Gale Armigeri, Viri clarissimi.*

(m) *Modern Rep. Part 5. p 66.*

It is evident the Constables, Knights and Sergeants which were in Castles, as well Those belonging to the King as Those belonging to the Barons, did use in Former ages to exercise a great Superiority over the Towns which were near them, and likewise the adjacent Countrey. No wonder Men who were covered with Steel should domineer over Burgeffes and Peasants; the Armed over the Unarmed. The former used to make Captures upon the later, of Hay, Corn, Beer, and other things, under divers denominations, to wit, of *Prise*, *Tyne of Castle*, *Forrage* &c.

In and before the reign of K *Henry III*, the Constable of *Dovor-castle* and the Men abiding There, were accustomed to make Captures upon the *Kentishmen*, of Straw, Hay, Vetches, Peas, Beans, Corn, and other things, by the name of *Forrage*, *Furrageum*. K *Henry III*, by a Charter under his Great Seal of *England*, pardoned and released the said Capture called *Furrageum*; and granted to the said Men of *Kent*, that for the future no such *Furrage* should be taken of any man (*n*).

The *Prisa cerviciæ* *Prise* of Beer for the use of the Castle of *Bristol*, was usually worth by the year *c s*; and was answered to the King as a yearly Due (*o*).

By

(*n*) Henricus Dei gratia &c. Archiepiscopus—. Sciatis nos, intuitu Dei, & pro salute animæ nostræ, & animarum antecessorum & hæredum nostrorum, perdonasse & quietam clamasse de nobis & hæredibus nostris imperpetuum, omnibus de Comitatu Kancie, consuetudinem illam quæ vocatur *Furrageum*. Quod quidem *Furrageum* Constabularius Castri nostri *Dovoræ*, & alii commorantes in eodem Castro, capere consueverunt, ad equos eorum in Castro *Dovoræ* sustentandos. Ita quod nullus Constabularius ejusdem Castri, nec alii cum eo commorantes in eodem Castro, de cætero *furrageum* illud ab aliquo capiant, five de stramine, five de fœno, five de vescia, five de pis, five de fabis, five de quocunque alio *furrageo*, five de blado, five de quacunque alia re no-

mine *furragii*. Quare volumus—. Hiis testibus, Petro Wyntonienfi, Joscelino Bathonienfi, Ricardo Saresburiensi, Episcopis, Huberto de Burgo Comite Kancie Justiciario nostro, Radulfo filio Nicolai, Ricardo de Argenteym Senescallis nostris, Henrico de Capella, & aliis. Datum per manum Venerabilis patris Radulfi Cicestrensis Episcopi, Cancellarii nostri, apud Westmonasterium, vicesimo quarto die Marcii anno regni nostri undecimo. *Registrum, C, in Eccles. Metrop. Cantuar. fol. xxiiii. b.*

(*o*) Idem Vicecomes [Willelmus de Putoft] non respondet de proficuo Comitatus [Gloverniæ]; quia Rex concessit ei quamdiu ipsi Regi placuerit, pro custodia Castrorum Bristolli & Gloucestriæ, & Comitatus Glouc[estriæ], quæ idem Vicecomes custodiet ad

By Custome these Captures became Familiar, and even Rightful. However, Burgeffes of Towns and other Folks were wont to complain of these Captures; And sought to the King for Protection, and Freedom from them. Accordingly, in Charters made to Townsmen under the Great Seal, the King did sometimes grant to them, amongst other Franchises, that they should be free from Prise, Tyne of Castle, and such-like captures.

The Townsmen of *Bristoll* paid *xxiiij l ix s x d* to the Constable of *Bristol Castle*, in lieu of Prise of Beer called *Tyne*, belonging to the Castle, for the Sixteenth year of K *Edward I*. And the Constable accounted to the King for the same, as part of the profits of the Castle (*p*).

It appeareth in another place in this Discourse, that the Castle of an *Honor* is used as an equivalent term for the *Honor* it self (*q*); No doubt, because the Castle was deemed the *Head* or Principal part of the *Honor*.

And that a Town was deemed a part of the Demeanes of a Barony, may be further made to appear by the following instance.

In the fortyfourth Year of K *Edward III*, the City of *Saresbury* was declared to be holden of the King in chief, as Part of the Temporalties of the Bishoprick of *Saresbury* (*r*). That is to say,

ad Custum suum; Et pro exhibitione Alienoræ Consanguineæ Regis, & omnium aliorum tam Militum quam servientium, & aliorum morancium tam in Castro Bristolli quam Glouc[estriæ], quibus omnibus idem Vicecomes inveniet necessaria sua, præterquam xs servientibus peditibus morantibus in castro Bristolli, qui sunt ad liberationes Regis, totum proficuum Comitatus Glouc[estriæ], & exitum Bertonæ Regis Bristolli, & LX marcas per annum, & cervisiam de prisâ Bristolli quæ valet per annum cs, per breve Regis. *Mag. Rot. 15 Hen. 3. tit. Glovernia.*

(*p*) Idem (viz. Petrus de la Mare Constabularius Castri Bristolliæ) reddit compotum de *xxiii l ix s x d*, de

quadam prisâ cervisiæ in Villa Bristollia quæ vocatur Tyna, pertinente ad Castrum prædictum de prædicto anno xvi —. *Mag. Rot. 17 Edw. 1. Rot. 1. m. 2. a.*

(*q*) *Posthac.*

(*r*) Pro Episcopo Saresburienfi. Rex omnibus ad quos &c. Salutem. Sciatis quod cum, ut accepimus, per quandam Inquisitionem per Escaëtorem nostrum in Comitatu Wiltes[iæ] ex officio nuper captam, & in Cancellariam nostram retornatum ut dicitur, compertum sit, quod Venerabilis pater Robertus Episcopus Saresburienfis, per cartam suam concessit & dimisit Majori & Civibus Novæ Saresburie sexaginta p-e-rticatas terræ in Civitate Novæ Saresburie, in diversis locis ejusdem

say, The City was Part of the Demeanes of the Barony of *Saresbury*.

Caput

dem Civitatis, Habendum & tenendum eisdem Majori & Civibus & Successoribus suis imperpetuum, & inde seisinam per Thomam de Hungerford specialem Attornatum ipsius Episcopi eisdem Majori & Civibus per certas metas & bundas liberavit, Habendum in forma prædicta, Reddendo inde pro qualibet perticata ædificata & ædificanda, præfato Episcopo & Successoribus suis unum denarium per annum; & quod postmodum iidem Major & Cives dimiserunt cuidam Johanni Marleburgh unam placeam continentem in longitudine & latitudine quatuor perticatas terræ, & cuidam Wilhelmo Hele unam placeam continentem in longitudine & latitudine quatuor perticatas terræ, & quibusdam Nicolao de Cherdestoke & Johanni Gyllyngham unam placeam continentem in longitudine & latitudine quatuor perticatas terræ, de prædictis sexaginta perticatis terræ eisdem Majori & Civibus per Episcopum antedictum ut prædictum est alienatis, Habendum & tenendum prædictas placeas præfatis Johanni Wilhelmo Nicolao & Johanni & hæredibus suis imperpetuum; & quod prædicti Johannes Marleburgh & Wilhelmus separatim duas shopas, & prædicti Nicolaus & Johannes Gyllyngham unam shopam, in prædictis placeis ædificarunt, & quod quælibet dictarum shoparum valet per annum decem solidos, & quod dicta tenementa sunt parcella Civitatis Novæ Saresburie; quæ quidem Civitas de nobis tenetur in Capite ut parcella temporalium Episcopatus prædicti, ex dono & concessione Progenitorum nostrorum

quondam Regum Angliæ factis, & quod alienationes prædictæ factæ fuerunt licentia nostra super hiis non optenta; per quod dicta tenementa cum pertinentiis tanquam forisfacta ad nos & hæredes nostros, juxta formam Statuti in hoc casu editi, pertinent, jure nostro nobis & dictis hæredibus nostris imperpetuum possidenda; & ea de causa dicta tenementa cum pertinentiis per Escaëtorem nostrum prædictum in manum nostram seifiri fecerimus. Nos attendentes ad hoc, quod tota terra prædicta cum pertinentiis ab antiquo fuit de jure Ecclesiæ Saresburienfis, ut parcella temporalium Episcopatus prædicti, de gratia nostra speciali & ob reverentiam Dei omnipotentis & beatæ Mariæ Virginis, in quorum honore Ecclesia prædicta fundata existit, dedimus & concessimus pro nobis & hæredibus nostris, quantum in nobis est, Deo & beatæ Mariæ & præfato Episcopo omnia tenementa prædicta cum pertinentiis, Habendum & tenendum eidem Episcopo & Successoribus suis de nobis & hæredibus nostris imperpetuum, eisdem modo & forma quibus præfatus Episcopus & Prædecessores sui ea sive terram prædictam ante alienationes prædictas de nobis & hæredibus nostris tenuerunt, Statuto de terris & tenementis ad manum mortuam non ponendis, seu aliquo alio Statuto in contrarium alicujus præmissorum edito, non obstante. In cujus &c. Teste Rege apud Westm. xxº die Octobris. Per breve de privato Sigillo. *Pat. 44 Edw. 3. pars 3. m. 19. intus.*

Caput Serjantiæ.

THere was also a *Caput Serjanciæ*. In the reign of K *Edward I*, *Robert Malenteys* held a Serjantie in *Wassingele*, for which he was to Find for the King Two Foot-foldiers in his Army, for xl days, in *Wales*, to guard the Kings Little Pavilion, with bows and arrows, and each of those Foot-foldiers was to have for his keeping guard, *iiii d* a-day of the King. *Walter de Wassingele* held the *caput Serjantiæ*, the *Head of this Serjanty*, which was the Capital Mefuage thereof, with its members and appurtenances (s).

So also in Manors. A Manor had commonly a Chief Seat belonging to it. Which was called the Manor-house or Capital Mefuage; and sometimes had an appropriated name of *Hall, Court, Place &c.*

In or about the Tenth Century, *Bernard Visconte* of *Ceritania* granted to the Monastery of *Cuxano*, the Possessions situate within his *Viscontie* which had come to him from his Ancestours, together with the Forfeitures and Profits belonging thereunto, to wit,

(s) Comitatus Huntendon[æ]. *Wassingel[e]*. Serjantia Roberti Malenteys in *Wassingele* pro qua debuit invenire Domino Regi duos homines pedites in exercitu suo, per xl dies, in Wallia, ad custodiendum parvum papillonem cum arcubus & sagittis, & quilibet eorum debuit habere de Domino Rege *iiii d* per diem pro custodia, alienata est in toto.

Walterus de Wassingele tenet inde tres virgatas & quater xx acras terræ, & capitale mesuagium, cum homagiis subscriptorum tenencium, quæ valent per annum *xlix s*, Item *xii d* redditus.

Philippus Forestarius tenet duas partes unius virgatæ terræ, quæ valet per annum *iiii s*.

Item *Ricardus de Hautot* tenet inde *xviii* acras & unum mesuagium, quæ valent per annum *vi s*.

Item *Ifouda filia Willelmi de Ake-neber* tenet unam virgatam terræ, & unum mesuagium, quæ valent per annum *viii s*.

Item *Stephanus de Ogerefton* tenet inde dimidiam virgatam terræ, quæ valet per annum *iiii s*.

Summa dictarum alienationum, *LXXII s*. Et dictus *Walterus*, qui tenet capud dictæ Serjantiæ, fecit inde finem pro se & dictis tenentibus, de consensu eorundem, videlicet, per annum *xx s*; Ita quod dicti tenentes respondeant &c. de tertia parte valoris tenementi sui per annum, & ipse *Walterus* & tenentes sui faciant servitium xl partis feodi unius Militis. *Rotulus Serjantiarum Angliæ alienatarum & arrentat. viz. Rot. 4; qui est penes Remem. Thesaurarii.*

wit, in Homicides, Rapes, Arsons, Exorquies, & *omni Senioratione*, in all Rights of *Seniurage* or *Lordship* (t).

A Fee doth not make a man Noble.

A *Rundel* was an ancient *Honor*; and the Castle of That name the Capital Seat of That *Honor*. Upon this basis it hath been supposed by some men, That if a Commoner should purchase the *Honor* and Castle of *Arundel*, he would straitway become Earl of *Arundel*, without any Creation.

I do make bold to oppose That assertion.

As it is agreed in the Courts of Law, That the King of *England* is *Fons Justitiæ*, the Fountain of Justice to his Subjects: So it is also agreed in the Court of Honour and Chivalry, That the King is *Fons Honoris*, the Fountain of Honour to his Subjects. No man or number of men, without the King, can or ever could make an Earl or Baron. To grant a Baronial Title is an act of Regality, inseparable from the Crown, and incommunicable to Subjects; that is, it was never yet communicated.

In the first place, When Land-Baronies were in being in *England*, a man could not Purchase and enjoy an *Honor* or Barony (suppose That of *Arundel*, or any other) without the Kings consent. There must have been a Royal License made to the Grantor to Grant, and to the Grantee to Purchase or Take such *Honor*.

In the next place, A man could not become the Kings *Man*, *Homo* or *Baro Regis*, without Doing Homage to the King. If the King was not pleased to accept his Homage, he could not Purchase or Hold an *Honor*.

Thirdly, a man could not have seifine of an *Honor*, without having it from the Kings hand. Every *Honor* originally passed from the King. And upon every Change, by Death or otherwise, returned to the King again, and remained in his hand untill he commanded

(t) — ego Bernardus Ceritanien-
fium Vicecomes, dono & in præfenti
trado ad cœnobium S Michaëlis de
Coxano — quantum habeo — infra
omni Vicecomitatu meo, scilicet ho-

micidiis, cuguciis, arfiniis, & exor-
chiis, & omni senioratione —. *Mar-*
ca Hispanica in Append. col. 883. ad
A D 963.

commanded seisin of it to be delivered to his Homager, according to the Law or Custom of Noble Fiefs.

Fourthly, There never was (for ought that I know), an instance of any mans coming into seisin of an *Honor*, by Purchase or Contract made with a Subject.

This is another instance of the mischief of confounding *Land-Honors* with *Titular Honors*.

If a man hath a Noble Fief vested in him, That is a good Basis to build Nobility on.

The Lands of some men were Knightly; that is, holden by Knight-service; which was a splendid and honourable Tenure. And any man that Held Land by Knight-service, vested in him by Descent or heritage, was deemed to be of Gentlemanly condition or degree.

Duarenus saith, “ All the Feudists assert, that a Fief or Fee
“ which hath in it self dignity [or nobility] maketh the possessor
“ Noble. This, saith he, I think is not true; unless the Fief be
“ received from the King. For how can a Baron or Earl, in giving a Fief, make a man noble; seeing it is not in the power
“ of him, but of the King alone, to make a man noble (*u*).

But probably *Duarenus* and the other Feudists may be reconciled.

If by the word *nobilitat* is onely meant being made a *Gentleman*, then they are all agreed. In *England*, in case a Peasant acquired Land holden by Knight-service, he was thereby placed in the estate or rank of a Gentleman. But by acquiring a Barony, a man did not straitway become a Baron, nor by acquiring a Knights Fee, a Knight. For nobody could conferr Titles of Honour besides the King, or persons having power and authority from him.

Every *Honor* had three constituents, to wit, *Seniuragium*, *Servitium*, and *Dominicum*, *Seigneurage*, *Service*, and *Demeane*.

CHAPTER

(*u*) Feudistæ omnes asserunt feudum quod dignitatem habet nobilitare: quod non puto verum; quia feudum non nobilitat nisi accipiatur a Principe. Quomodo igitur potest Baro vel Co-

mes, in dando feudum, nobilem efficere; cum nobilitare non ipsius sed solius Principis sit. *Duarenus in Consuetud. Feudorum, cap. 4. Sect. 4.*

CHAPTER II.



And-Honors and Baronies were originally created or erected by Fesment. The First Erection of them in *England* may properly be referred to the reign of K *William I.*

K *William I.*, to reward his *Norman* Barons, and to engage them to himself by an inviolable Faith, enfeoffed them of Great Dominions or Lordships in *England*, To hold by the Service of So many Knights. The number of the Knights [or Knights Fees] was fixed and declared by the King at the time of such Fesment.

K *William I.* being seized of the whole Kingdom of *England* in Demeane, retained a great part of it in his own Seifine; and other part thereof he granted and transferred to others, in the manner which I shall here set-down. The said K *William I.* found the Archbishops and Bishops, and several of the Abbots and Priours of *England* possessed of divers Lands and Rents. He commanded them to make proof that their possession was Rightful. This Proof was called *Dirationare*, to *Dirationate*, or *Deraigne*.

Lanfrank Archbishop of *Canterbury* had a Long Plea or Tryal of this nature at *Pinnenden*; wherein he dirationated the Lands and Possessions belonging to his See. The Tryal lasted three days. An account is given of it at large in *Anglia Sacra* (w). In like manner *Gundulf* Bishop of *Rocheſter* evindicated the lands and possessions of his See (x); and other Ecclesiastical persons did the like. When the Clergy had made-out their Right to their Lands and tenements, the King continued them in peaceable Possession: But charged their Lands with Military Service; that is to say, He enfeoffed them, To hold of Him and his heirs, by the Service of So many Knights, to wit, in proportion to the Quantity and Value of their Lands and Tenements.

Moreover,

(w) *Angl. Sac. T* 1, p 334, 335, (x) *Angl. Sac. T* 1, p 339.
336.

Honor Bri-
tanniæ.

Moreover, K *William* I gave other part, and That a very considerable one, of the Manours and Lands of *England*, to the *Norman* and *French* Lords and Knights who accompanied him, and were Partners of his Fortune; that is to say, He enfeoffed them of Large Possessions, To hold of Him and his heirs, to Them and their heirs, by Homage and Service. For example. He enfeoffed the Earl of *Bretagne* of the Lands of Earl *Edwyn* in the North-part of *England*, and of divers Lands in other Counties, To hold to him the Earl of *Bretagne* and his heirs, of the King and his heirs, in Barony, to wit, by the Service of So many Knights as the King limited or declared. All these Lands, together with the Capital Seat of the Earl of *Bretagne* in *England*, which was, I think, the Castle at *Richemund* in *Yorkshire*, were called the Honor of *Britanny*, the Honor of the Earl of *Britanny* [in *England*], the Honor of *Richemund*, or the like. In the reign of K *Henry* II, the Honor of the Earl of *Britanny* in *England* was charged with the Service of Knights Fees of the Old Feoffment, by the testimony of the Earls Steward (y).

He feft the Earl of *Moreton* a *Norman* Lord, of several Lands and Lordships, to hold to him and his heirs, of the King and his heirs, by Barony, by the Service of so many Knights as the King appointed.

He feft *Hugh de Grentemeisnill* a *Norman* Lord, of divers Lands and seigneuries, to hold to him and his heirs, of the King and his heirs, in Barony, by the Service of a certain number of Knights limited by the King.

We cannot at this day set-forth precisely the manner in which K *William* I enfeffed his Barons of their Baronies, or his Knights of their Knights Fees. It is certain that he did enfeff several Barons. He feffed *Alan* Earl of *Bretaigne* of the Great Fee of *Richmond*, which hath been ever-since called the Honour of *Richmond*.

K *William* I granted a great part of the Lands of *England* to his *Norman* Lords and Knights. It is found by an undoubted Record, to wit by *Domesday-book*, that in the life-time of K *William* I, namely in the year 1086, the *Norman* Lords and Knights were

(y) *Hist. Excheq.*

were in actual seifine of the faid Lands. Doctor *Robert Brady* hath tranfcribed and printed the names of the Great Landholders of *England* from *Domesday Book* (z); and in Him the Reader may find them. When therefore K *William* I granted the Lands of *England* to the *Normans* or others, no man can well doubt but that he granted the fame for their *Homage* and *Service*.

This was indeed a great Work for one King to accomplifh. For it was an impofing a New Law and Constitution upon the Kingdom, quite different from That of the *Anglofaxons* or *Engliſhmen*. But that K *William* I Did this, the Coeval and other Ancient Hiftorians bear witnefs.

Let this then be the *Hypotheſis*. K *William* I begun this method of granting the Lands of *England* by Feffment, to be holden of Him and his heirs, in Baronage, in Knight-service, or in Serjanty &c. Peradventure K *William* I did not in his life-time grant all the Lands in *England* to his Homagers in this way of Feffing. He begunn it. His Two Sons *William* II, and *Henry* I finiſht it; that is, fupplied the ſmall reſidue.

I think, there were not any *Honours* created *de novo* by Feoffment in the reign of K *Henry* III, or perhaps of K *John*.

I ſay the main part of this great Work was accompliſhed by K *William* I.

If I have obſerved right, this was the Beginning of the Feudal Syſteme in England.

K *William* I brought the *Transmarine* Laws of *Neuſtria* or *Normandy* into *England*, and eſtabliſhed them There; as *Richard Fitz-Niel* Biſhop of *London* and *Treafurer* of *England* affirmeth, in the ancient *Dialogue* concerning the *Exchequer* (a).

It

(z) *Bradys Introduction*, in *Append. p. 1 & ſeqq.*

(a) Hujusmodi perſonis epifcopos Abbates & alios Principes per totam Terram inſtituit, de quibus indignum judicaretur, ſi per omnia ſuis legibus, poſtpoſita omni alia confideratione, non obedirent &c. Cuncta ergo Divina ſimul & Humana ejus nutum expectabant. *Eadm. Hiſt. Novor. L. 1. p. 6. n. 10. 20.*

Cum inſignis ille ſubactor Angliæ Rex Willelmus ultiores Inſulæ fines ſuo ſubjugaffet imperio, & rebellium mentes terribilium perdomuiſſet exemplis; ne libera de cætero daretur erroris facultas, decrevit ſubjectum ſibi populum juri ſcripto legibusque ſubicere. Propoſitis igitur Legibus Anglicanis ſecundum tripartitam earum diſtinctionem, hoc eſt Merchenelage, Denelage, Weſtfaxenelage, quaſdam reprobavit, quaſdam

It is likely the Feudal Scheme of which I have been speaking, made a great part of those Innovations and Alterations in the Old Laws and Customs of England.

This was the Turn which the Feudal Systeme of Laws introduced by K *William* I gave to the Ancient Laws and Customs of *England*.

This great alteration in the Law of *England* caused great murmurings and complaints throughout the Kingdom. This caused all ranks of men, Clergy, Baronage and Commoners, to cry aloud that the Laws of K *Edward the Confessor*, that is, the old *Anglo-saxon* or *English* Laws (which were not Feudal) might be restored.

But their Complaints did not avail. The Conquerour and his next Successours, especially K *Henry* II, established the Laws of *Normandy* in England, so effectually, that after the reign of K *Henry* II, the *English* were quiet and well at ease in this particular.

K *Henry* I did also feff several Barons in divers Baronies, and several Knights in Knights Fees.

An Ancient Fefment had been made of the *Honor* of *Blythe*. In the reign of K *Henry* I, that *Honor* was in the Kings hand either by Escheat or Wardship. For the profits of it were accounted-for to that King (b).

K *Henry* I in the Tenth Year of his reign erected the Bishoprick of *Ely*; that is, he changed the Abbey of *Ely* into a Bishoprick. This he did with the approbation of *Calixtus* II then Pope of *Rome*, and of several Wise men of his own Realm, Prelates Earls and Barons. The Charter of K *Henry* I for erecting the Bishoprick of *Ely* is set down in *Anglia Sacra* (c).

By the Charter of Erection it doth not appear what Services of the Shield, or indeed that any, were Then imposed upon the Lands of the Bishoprick. But it is next to a certainty, that some such Services were imposed by That King at some time or other.

For

quasdam autem approbans, illis transmarinas Neustriæ leges, quæ ad Regni pacem tuendam efficacissimæ videbantur, adjecit. *Dialog. de Scacc.* p 30. sect. 16. edit. in *Madoxii Hist. Scacc.*

(b) Honor de Blida. *Mag. Rot.* anni incerti R *Hen.* 1. *Rot.* 3. a.

Barones de Blida. *Ibid.* *Rot.* 3. b.

(c) *Tom.* 1. p 681.

For in the — year of K *Henry II* we find, that the Bishop of *Ely* stood charged to the Crown for Knights Fees.

Bishop of
Elys Knights
1 or 2 H 2.

K *Henry I* feft *William Archard* of certain land, To hold by the Service of one Knights Fee (*d*). And no doubt he feft feveral other perfons in Knight-service.

All Fefments which had been made either to Barons or Knights before the day of the Death of K *Henry I*, were called *Vetus feffamentum*, The Old *Fefment*, untill the time of the Death of K *Henry I*.

In like manner, K *Henry II* granted to his Great-men divers Lands and Seigneuries, to be holden of Him and his heirs to them and their heirs, either in *Barony* or by bare *Chivalerian* Homage and Service, as he thought fit.

Hence it came to pafs, that Fefments made after the Death of K *Henry I*, or in the reign of K *Henry II*, were ftyled *New Fefment*.

K *Henry II*, when he had conquered *Ireland*, took the fame method of Fefling, or erecting of Baronies and Knights Fees There. For example. He feft *Hugh de Lafci* of the Kingdom or County of *Meath*, To hold by the Service of one hundred Knights (*e*); *Robert Fitz-stephen* and *Miles de Cogham*, of the Kingdom of *Cork*, by the Service of Sixty Knights (*f*); *Herbert Fitz-herbert* and others of the Kingdom of *Limerick*, by Sixty Knights (*g*). And foon afterwards, he granted the whole Kingdom of *Limerick* to *Philip de Bransa* [the Historian fhould have faid, to *Philip de de Breaufa*, or rather *de Braiofa*], to hold by the Service of Sixty Knights (*h*). After this Fefment, the Kingdom of *Limerick* became an *Honor* in the Family of *Braiofa*; and is ftyled an *Honor*, in the *Great Roll* of the Exchequer in the reign of K *John* (*i*). He alfo granted-out Knights Fees, to wit, the *Servitium de Wefefordia*, the *Servitium Raimundi de Druna*, and other *Services* or Knights Fees (*k*). For before the reign of K *Henry II*, if I have obferved right, the Feudal Customs were not known in *Ireland*.

After

(*d*) *Hift. Exch.* p 451, col. 1. a.

(*e*) *Hoved.* p 566. n. 50.

(*f*) *Hoved. ib.* p 567 nu. 10.

(*g*) *Ibid. juxt.*

(*h*) *Ibid.* p 167. nu. 30.

(*i*) *Hift. Excheq.* p 336. l.

(*k*) *Ib.* p 567. n. 10, 20.

After the General Feffments of the Lands in *England* had been thus made, to wit, by or before the end of the reign of K *Henry* II, the Feudal Law was so fully fettled, that all the Lands in *England* were charged with some Service or other. And there was no *Allodium* left. This is admitted by the Lord Chief Justice *Coke* (l).

In the days of *Alexander de Swereford* to wit in the reign of K *John* and the forepart of the reign of K *Henry* III, there was a current Tradition that K *William* I feffed Thirty two thousand Knights in *England* (m). *Alexander* rejected this Tradition, as foolish and absurd: Why? Because it was not supported by any Record then extant written in the time of K *William* I; And none of the *Rotuli Annales* (or *Great-Rolls* of the Exchequer) of That King had been preserved till *Alexanders* Time, out of which That Tradition might be inferred or proved. But notwithstanding the respect I bear to the Memory of *Alexander de Swereford*, I must take leave to differ from him upon this subject, for the reasons which I have given already in this Discourse (n). However this matter must be explained and fettled. I am of opinion that the Tradition was true in the main, and ought to be maintained. But I do not insist on the precise number of Thirty two thousand Knights. K *William* I, might feff thirty two thousand Knights, or thereabouts, were they More in number or were they Fewer. However it is likely he created so many Knights-Fees as bore a proportion to the Quantity and Value of the Lands in the several Counties of *England*, which he granted to his *Norman* or *Other* Lords and Knights. As to the number of Fees, if you please let the Tradition pass as it is handed down to us. Carry on the Supposition. He feffed Thirty two thousand Knights; that is, he created or erected Thirty two thousand *Knights Fees* or *Knights Services*. Here I think it is not to be understood, that he feffed Thirty two thousand Single Knights in bare *Chivalerian* Homage. We may rather understand, that there were Thirty two thousand Knights Fees created: Some in *Baronial* Homage, that is, to Hold by *Barony*;

(l) *Comment. on Lit. p 1 & 2. ad lari ad Carolum Baronem Halifaxum, sect. 1.* p 12, col. 1.

(m) *Hist. Scacc. in Dissert. Episto-*

(n) *Chap. 1.*

rony; Others in *Chivalerian* Homage, that is, to hold by bare *Knights Service*; and others in *Serjanterial* Homage, that is, to hold by *Grand Serjanty*. And all these put-together might amount to the Number of Knights, that is Knights Fees above-mentioned, or some other like number. For example. Suppose K *William* I granted to *Alan* Earl of *Bretagne* an *Honour* in *England* consisting of cxi Knights Fees *plus minus*; to *Hugh Bigot* Earl of *Norfolk* an *Honor* composed of cxxv Knights Fees, to the Bishop of *Worcester* an *Honor* or Barony made-up of Sixty Knights Fees; to the Abbot of *Burgh* or *Peterburgh* a Barony of Sixty Knights Fees; to Monsieur *Perci* a Barony of Thirty Knights Fees; to Monsieur *Malet chivaler* Two Knights Fees; to

Sergeant one Knights Fee to be holden by *Grand* and *chivalerian Sergeantie*; and in brief, to *so many* persons *so many* Knights Fees, either embaronied or not embaronied, as might amount to Thirty two thousand or some other Given number.

Some other persons have left behind them a Tradition, That in old time the number of Knights Fees in *England* was Sixty thousand. *Mr Selden* takes notice of this Tradition, out of *Ordericus Vitalis* (o). *Ordericus* lived very near the time of the *Norman* Conquest; so that great regard is to be had to what he declareth in this particular. And I do by no means oppose *Ordericus* in this matter. But, as I said above, so I say now, that I do not insist on the precise number of Knights Fees here mentioned. They might be, for for ought I know, Sixty thousand, or Thirty-two thousand, or some other number. However, the Explanation and Qualification which I have given to the Tradition mentioned first above in this Section, must also be subjoined and added to this latter Tradition, concerning the lx thousand Knights Fees. Thus I have explained and qualified the Traditions above-mentioned. The reasons why I do apprehend that the Traditions ought to be admitted *Sub modo*, are given in another place in this Discourse.

The

(o) *Seld. Tit. of Hon. p 573.*

The King imposed the Service.

WHen the King Feft a man of Land, He declared and imposed the Service, by which it was to be holden (*q*).

When the King imposed Service upon Land, he usually imposed it in proportion to the Value of the Land. (*r*)

The K imposed the Service, and changed it.

AS it was in the Kings Power to impose and limit the Service to be done to Him by his Feudatary or Tenant in chief: So it was in His power to alter the Service, for reasons to him seeming meet.

K *Richard* I feft *Adam de la More* of the Land of *Horton*, to be holden by Knight-service. Afterwards K *John* commanded, that *Adam* should hold the faid Land by the Service of the *Falconrie*. And *Geofrey Fitz Pierre* the High Justicier testified and ordered by his Writ, that the Kings command in this case should be enrolled at the Exchequer (*s*).

Because

(*q*) Petrus Burdun reddit compotum de lx marcis & j palefrido, pro habenda faifina de terra de Penros, quam Comes Reginaldus dedit Patri suo, unde habet confirmationem Regis H Patris, & pro habenda confirmatione Regis tam de terra illa, quam de terra de Teinton quam Rex H Pater dedit Roberto Patri suo, & ut in Carta quam Rex ei facturum est, ponatur servitium feodi unius Militis, quod ipse facere debet & solet de prædicta terra de Teinton. *Mag. Rot. 3 Job. Rot. 14. b. tit. Cornewallia, tit. Nova oblata.*

(*r*) Henricus filius Johannis de Palern debet xl marcas & i palefridum, pro habenda faifina de terris quæ fuerunt Johannis de Palern fratris sui, qualem habuit idem Johannes die qua obiit, Salva rationabili dote uxoris ipsius Johannis; & ex his xl marcis reddet Willelmus Briewerre xxx marcas &

i palefridum, & ipse H x marcas; per sic quod ipse Willelmus Briewerre habebit terram de Purbeche & de Mere-ton, quæ fuit prædicti Johannis, & tenebit eam in Capite de Domino Rege per servitium, quod illi terræ imponet, cum scierit valorem ipsius terræ. *Mag. Rot. 2 Job. Rot. 11. b. tit. Wiltescira.*

(*s*) Adam de la More [debet] dimidiam marcam, ut scribatur in Magno Rotulo, quod G filius Petri testatus est per breve suum, quod est in forulo Marefcalli, quod Rex vult, quod ipse Adam teneat terram suam de Horton cum pertinentiis, quam Rex Ricardus ei dedit pro servitio suo, per servitium Falconariæ; & quod prædictus G filius Petri præcepit, per idem breve, inrotulari, quod ipse Adam eam teneat per prædictum servitium. *Mag. Rot. 1 Job. Rot. 16. b. tit. Oxenefordscire.*

Because the Service or Duty of a Sergeanty had been left unperformed, K *Henry III* or K *Edward I* changed the Sergeanty into another kind of Service (*t*).

Several Baronies vested in one man.

Several entire Baronies or Parts of Baronies might be vested in one person. For example.

In the Second year of K *Henry III*, the *Honor* of *Gloucester*, the *Honor* of *Clare*, the *Honor* of *St Hilary*, and a Moiety of the *Honor* of *Earl Giffard*, were vested in *Gilbert* Earl of *Gloucester* (*u*). In the same year, the *Honor* of *Gilbert de Aquila* and the *Honor* of *Warrenne*, were vested in the Earl of *Warrenne* (*w*). In the Sixth year of K *Henry III*, the *Honor* of *Brecknock* and the *Honor* of *Radnor* were vested in *William de Braiosa* (*x*).

Sayer de Quenci in the sixth and seventh year of K *John*, Fined to the King in Five thousand marks, That he the said *Sayer* might have the whole *Honor* of *Grentemaisnil* with the appurtenances; and in M marks, That the King would commit to him all the Land which the Earl of *Leicester* had in all *England* (*y*).

There

Hubertus Camerarius debet j Palefridum, pro habenda confirmatione Regis de Scutagio Rogeri Vetule, quod amovit de Austurcaria ad quartam partem feodi j Militis. *Mag. Rot. 3 Joh. Rot. 16. a tit. Devenescira.*

(*t*) — quia non fecit servitium [*for his Serjanty*], Ideo mutatur in aliud servitium. *Rot. Serjantiarum penes Remem. Thes. Rot. 16. Glouc.*

(*u*) Gillebertus Comes Gloucestr[ia] debet c l pro Relevio suo de Honore Gloec[estria], Et c l pro eodem de Honore Sancti Hyllarii, Et l l de medietate Honoris Comitum Giffardi. *Mag. Rot. 2 Hen. 3. Rot. 7. b. Essex & Hertf.*

(*w*) Comes de Warennia debet xliii l & xv s de xxxv feodis de feodis Gilleberti de Aquila, de feodis Moritonie, Et c & xx l de lx feodis de Baronia sua. *Mag. Rot. 2 Hen. 3. Rot. 3. a.*

m.2. Sudsexia tit. De Scutagio Pictavia.

(*x*) Honor de Brechino, and Honor de Radenor, Willelmi de Braiosa. *Mag. Rot. 6 Hen. 3. titulo Heref. in Wallia.*

(*y*) Saierus de Quenci reddit computum de MM & D marcis, scilicet de medietate de MMMMM marcis, per quas prius finierat, sicut continetur in Rotulo vii^o in Northantescira, pro habenda tota terra de Honore de Grentemaisnil cum pertinentiis, sicut continetur ibidem; Et de Medietate de M marcis, per quas finierat, ut Rex committat ei totam terram quæ fuit Comitum Leircestria in tota Anglia, sicut continetur in Rotulo vi^o in Warwic[scira], & Leircestrescira; & est summa istarum Medietatum MMM marcae; ita ut ei computetur quicquid ei perdonatum est in prædictis Comitibus per breviam Regis, & quicquid reddidit in thesauro, sicut continetur in brevi quod

Several Manours in one Honor.

THere were several Manours in one *Honour*.

It consisted indeed of several Knights Fees. But it was deemed an entire Fee; And was called *Feodum*, the *Fee* or *Barony* of *such* a denomination.

In an *Honour* there always were several Knights Fees. It was commonly estimated or surveyed by the number of Knights Fees belonging to it.

Honor extended into several Counties.

AN *Honor* might and commonly did extend into several Counties.

It

quod Rex misit Baronibus, quod est in forulo Marecalli; ita videlicet, ut ad prædictam Summam de MMM mar-
cis respondeat; Quia Rex perdonavit ei aliam medietatem scilicet & MMM marcas, per prædictum breve. In the-
sauro nichil; Et in Perdonis ipsi Saiero ccc marcas, per breve Regis; Et de-
bet MM & DCC marcas; de quibus de-
bet reddere per annum cccc marcas,
ad Duo Scaccaria. Idem reddit com-
potum de eodem debito; In thesauro
cc marcas; Et debet MM & D marcas.
De quibus debet reddere per annum
cccc marcas, ad duo Scaccaria. *Mag.
Rot. 9 Job. Rot. 19. b. tit. Warewic-
[scira] & Leircestrescira. Nova Ob-
lata.*

Honor de Warengesford. Gilleber-
tus Basset reddit compotum de c &
xxxiiii/ & iis & viii d, de firma Ma-
neriorum ejusdem Honoris.

Burgum de Warengesford. Idem
reddit compotum de xvii/ & xvii s &
xi d numero, de exitu Burgi de Wa-
rengesford, ut Custos. *Mag. Rot. 30
Hen. 2. Rot. 4. b. post Berrochsciram.*

Et idem Vicecomes debet viii/ &

xii s 6 d, de Scutagio Militum Hono-
ris Peverelli de Londonia per diversos
Comitatus Angliæ. *Mag. Rot. 4 Ric. 1.
Rot. 1. a. m. 2. Effexa & Hurtford-
scira.*

Norhampt[escira]. *King Henry VI,
by an Open Letter of his Great Seal,
dated 5 Junii in the one and thirtieth
year of his reign, granted to William
Burton a Valet of the Queens Chamber,
Centum solidos — singulis annis, pro
termino vitæ suæ, de quodam redditu
debito ad Wardam Castri nostri Nor-
hamptoniæ annuatim, ad festum Pas-
chæ, de feodo de Chokes in Comita-
tibus Norhampt[oniæ, Bed[defordiæ]
Buck[ingamsciræ], Lincoln[sciræ], &
Leyc[estresciræ], videlicet de quolibet
feodo decem solidos, ac de exitibus
prisarum in villa Norhampton[iæ]
spectant[ium] ad Constabular[iam dicti
Castri ex consuetudine, ac herbagii in-
fra dictum Castrum & extra, in fos-
sat[o] dicti Castri, necnon cujusdam
prati ad dictum Castrum spectantis,
per manus Firmariorum —.* *Trin. Com-
munia 31 Hen. 6. Rot. 1.*

Honors in Normandy.

IT is to be remembred, that in Old times the Great Lords in *Normandy* were usually styled Barons. There were indeed Earls in that Countrey. At the same time, the Sovereign of *Normandy* himself was Then commonly styled (at least in *England*) onely Comes, *Earl*. In like manner, for a great while after the *Norman* Conquest there was but one Title amongst the Subjects of the Kingdom of *England*, namely That of *Earl*, superiour to the title of *Baron*; but all the Great Lords of *England*, to wit, both Earls and Barons, were called *Barons*, and their Order *Baronage*.

In old times, before the reign of *Philip Augustus*, there was a conformity between the Baronage of *France* and the Baronage of *England*, in several particulars.

All the Nobility or Peers of *France*, Dukes, Marquises, Earls and others were comprehended under the word Barons; they held their principal seigneuries immediately of the Crown (z); they used to assist in the Judgments given in the Kings supreme Court; that is, to serve and judg therein; they assisted and served at the Coronation of the King; and counselled him in the affairs which he pleased to communicate to them (a).

The High Officers of the Palace in *France* were of the nature of *Feudal Honors*. The Office of Hereditary *Seneschal* was deemed equipollent to a *Comté*, a County or *Earldom* as *Jean du Tillet* writeth (b).

The term *Honor* was used in the same sense in *France* as in *England*. If I do not mistake, it is of *French* original.

Some

(z) Le mot de Barons estoit anciennement general, adapté aux Princes du sang, Ducs, Marquis, Comtes, & autres de la noblesse de France, tenans leurs seigneuries principales immédiatement de la couronne, en tous droits, fors les souveraineté & hommage; pource les vieilles ordonnances chartres & tiltres, faisans mention des Barons, les comprennent sous ce mot. *Recueil des Roys de France &c. par Jean du Tillet; a Paris 1580. p 341.*

(a) Ainsi les pairs de France furent creéz en dignité ducale & comtale,

pour servir & juger de la justice souveraine du roy; & quand il tient son liect de justice; [ainsi] l'assistent & servent en son sacre & couronnement; & le conseiller es affaires qu'il luy plaira leur communiquer. *Memoires de J du Tillet, liv. 2. p 208.*

(b) Et que l'office de Seneschal hereditaire equipoloit a comte, estans les Seneschaux & Bailliffs officers avant l'infeudation appelez comtes. *Du Tillet Recueil des Roys, &c. p 342. a Paris 1580.*

Some Lawyers in *France* have thought, that *Honors* were as ancient as the First Race of their Kings (c). But I apprehend they make them somewhat more ancient than is meet. I would chuse to refer the origin of them to the End of the Second Race, or if they please, to the Beginning of the Third.

The *Sieur de Mezeray* (of Worthy memory), under the year of *Christ* MC, saith that the Estates of the Lords of *France*, which they held of the King, were then called *Honors* (d).

Honors in France.

IN the Sixth year of K *John*, the *Honor* or Seigneury of *Bel-leney* in Foreign parts had Ten Knights Fees belonging to it (e).

Barones Normannia & Franciæ.

IN *Normandy* there was the Honor of *Seint Sauveur*, and the Honor of *Spiney*, to wit, in the Second year of *John* King of *England* (f).

In the year of our Lord 1259, the Lordship of *Salvaterra* in the *Agennois* is styled an *Honour*, *la Honor de Sauba terra*, in an authentick writing of *P Amenu de Pomers* and his Brother *Gualhard* (g).

From

(c) *Journal du Palais* Tome 1 p 39, 40, 44, 47.

(d) En ce temps-la le droit des François estoit tel, qu'on de pouvoit point legitimement arrester les Seigneurs, ny les punir de mort, si ce n'estoit pour trahison; mais seulement les despouiller de leurs terres, j'entends de celles qu'ils tenoient du Roy (ils les nommoient *honneurs*). *Mezeray Abregé Chronol. T 1. p 341. ad AD 1100.*

(e) Comitissa de Pertico debet singulis annis, quamdiu Warra durabit inter Regem & Regem Franciæ, ita quod ipsa teneat terram suam in Anglia in pace, & Rex Scutagium de feodo quod ipsa tenet de Rege habebit,

quando Scutagium capiatur, Salvo Regi servitio x Milit[um] de feodo de Bellenyo in transmarinis partibus, quamdiu prædicta Werra duraverit. *Mag. Rot. 6 Job. Rot. 3. b. tit. Nova Oblata.*

(f) *Hist. Excheq. p 116, col. 1. t.*

(g) De Salva terra. *Agen.*

Conaguda causa fia qu[e] P Amenu de Pomers, en Gualhardz sos frayra per lor & per totz lors presens & avenidurs per totz temps, au dat & autreyet feuzalment ala dona na Tales Molher den Rudel Senhor de Puilos & de Roazen, & a sos hers & a son ordenh, & a son commandement, per far & per ordenar totas sas voluntatz cum de la

From *France* and other Kingdoms in *Europe* the Word *Honor* (for a Great Seigniory) passed into some parts of *Spain*.

In or about the year 1213, there were certain Fiefs in *Aragon* which were called *Honors*. But some of these *Honors* were very different from those known in *England* and *France* by that name. For a military *beneficium* holden by a Cavallero of a Nobleman or *Rico hombre* of *Aragon* was called an *Honor* (b).

fua propria causa, en fantad o en ma-
laudia, o apres sa mort, tota la lor part
del Casterar & del loc en qe es, &
de la Honor de Sauba terra, en que
difforen que aven per tot la quinta part
el mays, si mais y au, ab totz los
dreitaiges & ab totz los devers, &
ab las Senhorias, que la lor part del
Casterar sobredith, ni la honors a ni
aver deu en homes ni en homias, en
cavararies, en terras, en vinhas, en boscs,
en plans, en pratz, en ayguas, en
pasceus ni herms, en questas, en cap-
tenhs, en cens, ni en oblias, en peaiges,
en aubergadas, ni en escatges, ni en to-
tas altrás causas & devers generalmentz
& especialmentz, apertenantz o adhe-
rentz o cobientz, lonh o pres, a la lor
part del casterar sobredith, ni a la ho-
nor, per j dener Morlan doblías que
lor en deu dar cadán a Primcarefme,
la ou la Mediffa dona na Tales, o fos
heretz, o fos ordenhs, o fos comanda-
mentz, fos estatgans. E li avantdith
en P Amaneu, & en Gualhard fos frair,
& lor heret, deven lesi prener al temps
& al loc sobredith, E per iii Milia sol
de Bordals que recouogorem lo medis
en P Amaneu & en Galhardz fos frayre
que nauen agut & recebut de vestizons,
en bons deners comptatz de la deita
dona na Tales, en maneira que sen ten-
goren aben pagat. En renunciaren a
la Exception de no comptat & de no
pagat aver, & dengan. Pero es assa-
ber, que si li avantdit en P Amaneu, &
en Galhard fos fraire, o lor heret, fazen
nulli deman a la dita dona na Tales, ni
a fos hers, ni a son ordenh, ni a son

commandement, par razon del feus so-
bredit, ni li querelhavan en arren it len
deven prener dreit, & far dreit el loc
ou la dita dona na Tales, o fos ordenhs o
fos comandamentz fos estatgans, & per
los fors & per les custumes del loc ou
era, o fos ordenhs o fos comanda-
mentz fos estatgans, li qual en P Ama-
neu & en Galhard fos frair lau conven-
gut & autreyat la lor part del Casterar
sobredit, & de la Honor, & dels dre-
itaiges & dels apurtenementz salvar &
audorgar & portar bona & firma ga-
rentia de totas personas quire i deman-
dessan per fons dalo. E ayfso au lo
mandat & autreiat sobre totas lors cau-
sas moblas & nomoblas presens & ave-
niduiras. Test. en Pons de Pomers, B de
Selhac Cavoir, W Ramon de Segur,
Arn. Iteir Donset, Maestre P le Clerc,
Ramon de Semencon, Esteven de Li-
strac, Tetbaud de Pomers, E P de Bu-
fos que la Carta escrivo. Actum iii die
introitus Februarii, anno Domini Mil-
lesimo ccº lmo nono, Henrico Rege An-
glia, Johanne Priore. *Ex scripto au-
tographo in archivo Regio Turris Lon-
doniensis.*

(b) — Perdiendo la preeminencia
que tenian, siendo señores en todos
los feudos que llamaban honores—
aunque estaua en su mano despedirse,
y seguir al Rico hombre que qui fies-
sen; y aquel sueldo y beneficio militar
que llevaba el cavallero del Rico
hombre, se llamó en Aragon honor.
Annales de Aragon de Surita, T 1. fol.
101. b. 102. a. ad ann. 1213.

In the year MCXXXIV, *William de Prioldo* was one of the *Barons* of the City of *Aversa* (i).

In the year 1118, *William* Duke of *Apulia*, *Robert* Prince of *Capua*, *Richard de Aquila*, and others, made Fealty to Pope *Gelasius II.* (k).

(i) In anno Domini incarnationis millesimo centesimo trigesimo quarto — Ego Guglielmus de Prioldo filius quondam Alexandri ejusdem cognominis, qui sum unus ex Baronibus civitatis Aversæ, providens utilitati animæ meæ — *Chiocarelli de Archiep. Neap. p 119.*

(k) — Assistentibus aliis viris religiosi, & cum eis Willelmo Duce Apuliæ, Roberto Principe Capuano, Richardo de Aquila, aliisque Baronibus plurimis, qui tunc ei (to Pope Gelasius II) omnes fidelitatem fecerunt — *Sub annum 1118, referente Chiocarello in Catal. Antistitum Neap. p 128.*



CHAPTER III.

A Barony was not to be divided.

N ordinary course a Barony was not to be divided into Parts. It was in its nature a A Barony was an Entire Estate. *Feudum integrum*; and was *ab origine* designed to be kept Entire. Accordingly, by Law it was appointed to descend Entire from heir to heir.

When a Barony descended Entire, the Baron or Tenant was said to Hold the Baronial Lands of the King in chief by the Service of one entire Barony; naming it by its Usual or Known name. This is exemplified in the cases following.

In the Five and thirtieth year of K *Edward I*, *William de Breouse* paid C marks Relief, for the Castle or Barony of *Brembre*, which he held of the King in *chief* (l).

In *Trinity-term* in the twentieth year of K *Edward III*, it was found in the Rolls of the Kings Exchequer, that *Henry Lescrop* Chivaler held the Manor of *Whalton* in *Northumberland* with the Barony, of the King in chief, by the Service of Three Knights Fees (m). Here by *Manerium cum baronia*, we may understand, that

(l) Suffexia. De Relevio.

Willelmus de Breouse filius & hæres Willelmi de Breouse defuncti, dat Domino Regi lxxi / i marcam, pro relevio suo de omnibus terris & tenementis quæ dictus Willelmus pater suus tenuit de Rege in capite, die quo obiit, videlicet, c marcas de Castro de Brembre in Comitatu Suffex[iæ], & c s pro terra de Guher in Wallia, quæ tenetur de Rege in capite per servitium unius feodi Militis, sicut continetur alibi in Memorandis hujus anni, inter Recorda de hoc termino, ubi etiam continetur, quod prædictus Willelmus per considerationem Thesaurarii & Baro-

num, oneratur de prædictis c marcis pro rel[evio] &c. de Castro prædicto, tanquam pro rel[evio] baroniæ &c. Postea præceptum est Vicecomiti, quod fieri faciat lxxi / i marcam prædictas, Ita &c. in Craftino Sancti Michaelis. Postea ante diem illum Rex obiit. Et ad diem illum Vicecomes non returnavit breve. Et præceptum est Vicecomiti, sicut continetur in Memorandis de anno primo Regis E filii Regis E termino Sancti Michaelis, in Rotulo brevium. *Trin. Fines 35 Edw. 1. Rot. 66. a.*

(m) Ebor. Memorandum quod Stephanus Lescrop Miles filius & hæres Henrici

that the Manor of *Whalton* was a Barony, or else the *Chief Seat* of a Barony.

In the Eighteenth year of K *Richard II*, *William de Dacre* held of the King in chief, the Manour of *Irchington* with the Castle of *Naward* to the said Manour belonging, the Manour of *Burgh near Sandes*, the Manour of *Kyrkeswald*, the Manour of *Laysyngby*, and the Manour of *Farlham*, by the Service of one Entire Barony and of Doing Homage and Fealty to the King, and of yielding to the King for *Cornage* at his Exchequer of *Carlile* yearly li s viii d, at

Henrici Lescrop Chivaler defuncti, attachiatus fuit effendi hic ad plures dies præteritos, & tandem in crastino S Michaelis hoc termino, ad respondendum Regi de relevio suo, de omnibus terris & tenementis quæ prædictus Henricus pater suus tenuit de Rege in Capite die quo obiit, in Comitatu Eboraci & in aliis Comitatibus Angliæ, & pro quibus prædictus Stephanus fecit Domino Regi nunc homagium & fidelitatem, xxi^o die Septembris anno regni sui xvi^o, sicut continetur in Originali de eodem anno, Rotulo xxix^o.

Et ad prædictum crastinum S Michaelis prædictus Stephanus venit hic per Thomam Bank attornatum suum: Et cognovit se tenere, & dictum Henricum patrem suum tenuisse, de Domino Rege in Capite die quo obiit, Manerium de Drisfeld cum membris & suis pertinentiis in Comitatu Eboraci, per fidelitatem tantum pro omni servicio, Manerium de Faxflete cum membris & suis pertinentiis in eodem Comitatu per fidelitatem tantum pro omni servicio, unum Mesuagium cum omnibus suis pertinentiis quod vocatur Dalton Lathes in eodem Comitatu, per servitium unius denarii per annum pro omni servicio, Manerium de Bondon & Hareburgh cum pertinentiis, una cum c s redditus in Holewel & Appetilby in Comitatu Leycestriæ, per

servitium duodecimæ partis unius feodi Militis, Manerium de Fryshyde cum membris & suis pertinentiis in Comitatu Essexiæ, de Domino Rege ut de Honore Bononiæ, per servitium unius feodi Militis, Manerium de Bernoltby cum omnibus membris & pertinentiis suis in Comitatu Lincolnæ, de Domino Rege in Capite in Socagio, per fidelitatem tantum pro omni servicio, & Manerium de Whalton & Newham cum pertinentiis in Comitatu Northumbriæ, per servitium trium feodorum Militum; juxta quæ quidem servicia idem Stephanus offert Regi relevium, pro terris & tenementis prædictis —. Et super hoc idem Stephanus dat Domino Regi xx l viii s v d de relevio suo, pro maner[iis] terris & tenementis prædictis, juxta servicia per ipsum superius recognita. Et unde scrutatis rotulis pro rege, compertum est in Memorandis de anno xx^o Regis E tertii, videlicet avi Domini Regis nunc, inter Fines de termino S Trinitatis, Rotulo primo, quod prædictus Henricus Lescrop oneratus fuit de xv l de relevio suo, pro prædicto Manerio de Whalton cum pertinentiis, quod quidem Manerium cum baronia & aliis pertinentiis suis tenetur de Rege in Capite, per servitium trium feodorum Militum tantum, per Cartam Regis, sicut continetur ibidem, & prout prædictus

at the feast of the *Assumption* of *St Mary*; and other lands (n).

By What Fesment that is, whether by Old Fesment or New, and in What Kings reign, *Ranulf de Dacre* Ancestour of *William* here named, was fest, it doth not appear to me. But it is plain, some ancestour under whom *Ranulf* claimed, was enfest to hold by Barony.

K *Henry II* by his Charter granted and confirmed to *William Malduit* son of *William Malduit* his Chamberlain, the whole Barony which his Father held of the King, as well in *England* as in *Normandy*, on the day whereon the said *William* the son did Homage to the King at *Wudestok*, to wit, *Hamesclape*, and other lands (o).

prædictus Henricus adtunc recognovit —. *Mich. Fines* 18 *Ric. 2. Rot. 5. b.*

(n) Cumbria, Westmerlandia. Memorandum quod Willelmus de Dacre filius & hæres Hugonis de Dacre fratris & hæredis Ranulphi de Dacre, quem Vicecomes Cumbriæ in crastino Clausi Paschæ anno regni Domini Regis nunc septimo, retornavit tenentem terrarum & tenementorum quæ præfatus Ranulphus tenuit de Domino E nuper Rege Angliæ, avo Domini Regis nunc, in Capite, die quo obiit, tam in Anglia quam in Scotia, — habuit diem hic modo a die S Michaelis hoc termino in xv dies ad respondendum Regi de relevio prædicti Hugonis, de omnibus terris & tenementis prædictis —.

Et ad prædictam xv^{am} S Michaelis prædictus Willelmus de Dacre venit hic per Henricum Preston attornatum suum; Et cognovit se tenere, & dictum Ranulphum tenuisse die quo obiit, & præfato Hugoni ut fratri & hæredi ejusdem Ranulphi, post mortem suam jure hæreditario descendisse, Maneria terras & tenementa subscripta, videlicet Manerium de Irchynton cum Castro de Naward eidem Manerio pertinente, cum omnibus aliis pertinentiis suis, Manerium de Burgh juxta Sandes cum omnibus suis pertinentiis, Manerium de Kyrkeswald cum omnibus suis

In pertinentiis, Manerium de Layfynghby cum omnibus suis pertinentiis, & Manerium de Farlham cum omnibus suis pertinentiis, in Comitatu Cumbriæ, de Domino Rege in Capite per servitium unius baroniæ integræ, & faciendi Domino Regi homagium & fidelitatem, & reddendi eidem Domino Regi ad cornagium, ad Scaccarium suum Karlioli annuatim lis viii d, ad festum assumptionis B Mariæ, diversa terras & tenementa in Glassenby in dicto Comitatu Cumbriæ —; *Then he Pleads the King's Pardon, whereby he remised to the Men of Cumberland and Westmerland all Reliefs. Upon That Pardon he is Discharged, by Judgment of the Barons. Mich. Fines* 18 *Ric. 2. Rot. 7.*

(o) H Rex Angliæ, Dux Normanniæ & Aquitanniæ, & Comes Andegaviæ, Archiepiscopis &c. salutem. Sciatis me concessisse & confirmasse, Willelmo Malduit filio Willelmi Malduit Camerarii mei, Baroniam totam quam pater suus de me tenuit, tam in Anglia quam in Normannia, die qua homo meus devenit apud Wudestoc prædictus Willelmus Camerarii filius, videlicet, Hamesclapam cum pertinentiis suis &c. *Ex Collectan. MSS. Willelmi Dugdale Equitis, L, in Museo Ashmol. Oxon. fol. 41. a.*

In the Third year of K *Henry VII*, *Rafe* Earl of *Westmerland* held the Manor of *Cotyngbam* of the King in chief, by the Service of one Barony (*p*).

A Castle or Head of a Barony could not be divided even by Act in Law.

The like Law and Usage took place in the Kingdom of *Naples*. In that Kingdom a man was not permitted to assign Dower of a Castle which was the *Head* or principal part of a *Barony* or *Earldom* (*q*). This was conformable to the Feudal Law.

And yet a Barony did many times happen to be divided; namely into Moieties, Thirds, or other Parts. Such division was not used to be made by Feffment or other Act of the Baron; but by act in Law; most usually by Descent *inter Foeminas*.

After a Barony was divided, haply it continued so divided for many years; and perchance never became entire again.

When a Barony descended to Heiresses, it was to be equally divided between them. The Part of each Heiress, before Partition made, was called her *Rationabilis Pars* of *such* a Barony. It was also called *Propars* a *Purpart*.

Nevertheless, the Eldest Daughter of a Baron had a Preference in this respect, That the *Chief Seat* of the Barony was by Law to be allotted to her. This Preference was given her by reason of her *Eldership*.

The

(*p*) — And also lyke proceffe is made forth out of our seid Eschequier ayenst the seid Rauf nowe Erle [of Westmerland], to answere to us of his relief for the Manor of Weton, and xxx^{ti} Meses, ccc acres of land, xx acres of Medowe, D acres of pasture, cc acres of wode, with thappurtenaunce, and lvi vis viii d of rent of assise to be paid of the free tenaunts at the Termes of Pentecost and Seynt Martyn equally, with thappurtenaunces in Cotyngbam, which Meses lands medowes pastures wodds and rents ben the fourth part of the Manor of Cotyngbam, the which hole Manor of Cotyngbam is holde of us in chieff by the service of on Baronie; And the seid

Maner of Weton is also holden of us in chieff by the service of the xx^{ti} parte of a Knyghts Fee; And for the which the seid now Erle made unto us his feaute the xii day of May the secunde year of our reign, and also to do unto us his homage for the said Maner and other the premisses. — yeven undre our Prive Seale at our Manoire of Shene, the xv day of March the third yere of our reigne. *Trin. Communia* 3 *Hen. 7. Rot. 23. Ebor. & al.*

(*q*) — dum tamen Castrum unde Baronia vel comitatus nomen assumpsit, in dotarium constituere non possit. *Constit. Neap. L. 3. tit. 14. n. 1. apud Lindenbrogium.*

The *Eldership* in this case was in Former times called *éisnečia*, *esnečia*. The word is originally *French*, viz. *Aisnée*, *éisnée*, *Eldest*. This *Romanick* word is made out of the *French* word.

When three or more Daughters and heiresses of a Baron, the Eldest Daughter was usually called *filia primogenita* (and sometimes *einetia*), the Second Daughter *Secunda filia*, the Third *Tertia filia*, and the Youngest Daughter *postnata filia*. Here the word *postnata* is a homely *Romanick* word, made out of the *French* word *puisnée*, *Youngest* (r).

In

(r) De Relevio. Rex dilecto fibi Reginaldo Forester Escaetori suo in Comitatu Suffexiæ salutem. Sciatis quod de terris & tenementis, quæ fuerunt Hugonis de Sancto Johanne defuncti, qui de nobis tenuit in Capite & quæ ratione minoris ætatis Edmundi de Sancto Johanne filii & hæredis prædicti Hugonis, qui quidem Edmundus, dum infra ætatem & in custodia nostra fuit, diem clausit extremum, capta fuerunt in manum nostram, & in manu nostra sic existunt, assignavimus dilecto & fidei nostro Henrico de Burgherssh & Isabellæ uxori ejus uni sororum & hæredum prædicti Edmundi, de assensu Johannis de Sancto Philiberto & Margaretæ uxoris ejus eineciæ & alterius sororum & hæredum ejusdem Edmundi terras & tenementa subscripta, videlicet Manerium de Halnakede cum pertinentiis in Comitatu Suffexiæ — and other lands here mentioned, Habend[um] in propartem ipsius Isabellæ ipsos Henricum & Isabellam de terris & tenementis prædictis secundum legem & consuetudinem regni nostri Angliæ contingentem, & cepimus fidelitatem ejusdem Henrici nobis in hac parte debitam, propartemque illam eisdem Henrico & Isabellæ reddidimus. Et ideo vobis mandamus, quod accepta securitate a præfatis Henrico & Isabella de rationabili relevio suo nobis solvendo ad faccarium nostrum, eisdem

Henrico & Isabellæ prædicta Maneria de Halnakede Bernham & Middleton cum pertinentiis in balliva vestra libere retis, habend[a] in propartem suam in forma prædicta; Salvo jure nostro & alterius cujuscumque. Teste Custode prædicto, [viz. Leonello filio nostro carissimo Custode Angl[iæ] apud Northampton, xi die Octobris [anno regni nostri Angliæ vicesimo primo regni vero nostri Franciæ octavo]. *The like Writ issued to the Escheatour of Kent for the Lands in that County. Originale 21 Edw. 3. Rot. 21.*

De relevio. Rex dilecto fibi Thomæ de Aspale Escaetori suo in Comitatu Suthamptoniæ salutem. Sciatis &c. ut supra usque ibi existunt & tunc sic, Assignavimus Johanni de Sancto Philiberto & Margaretæ uxori ejus eineciæ & uni sororum & hæredum prædicti Edmundi [de Sancto Johanne] de assensu Henrici de Burgherssh & Isabellæ uxoris ejus postnatæ & alterius sororum & hæredum ejusdem Edmundi terras & tenementa subscripta, videlicet Manerium de Basyngg and other lands here mentioned, Habend[a] in propartem ipsius Margaretæ ipsos Johannem & Margaretam de terris & tenementis prædictis secundum legem & consuetudinem regni nostri Angliæ contingentem —. T. ut supra. Originale 21 Edw. 3. Rot. 21.

In like manner in *Normandy* the Younger children were commonly called *Postnati* (s).

Parts of Baronies.

I will here produce some instances of *Honors* and *Baronies* which were divided into Parts.

Bardestaple inter Braiose & Tracy.

IN the reign of K *Henry II*, the Honour of *Bardestaple* was divisible into Two Parts. *William de Braiosa* Fined to the King to have his Part of it (t); and *Oliver de Traci* Fined to the King, to have his Part of it (u).

In the reign of K *John*, *Thomas de Scoteigni* fined to the King That he might have his *rationabilis pars* of the *Barony* late of *Lambert de Scoteigni*, with the *esnechia* of the said *Barony* (w).

In

(s) *Postnati the younger children, opposed to Primogenitus. Lib. de Jur & Conf. Norm. cap. 35. fol. 8. col. 2 tit. De capitalibus auxiliis.*

(t) *Willielmus de Braiosa debet M marcas argenti, pro parte sua de Honore de Bardestapla. Mag. Rot. 4 Hen. 2. Rot. 9. a. Suthsexa.*

Willielmus de Braiose reddit compotum de M marcis pro parte sua de Honore de Bardestapla; In thesauro lvii l & vis & viii d; Et debet dc & ix l & vis & viii d. Idem reddit compotum de eodem debito; In thesauro ix l & vis & viii d, Et debet dcl. Mag. Rot. 25 Hen. 2. Rot. 4. a. Sudsexa. Bosseham.

(u) *Oliverus de Traci debet D marcas, pro parte sua de Honore de Bardestaple. Sed non est inde summonendus, nisi Rex ipse ore suo vel Brevi præcipiat. Mag. Rot. 17 Hen. 2. Rot. 2. a. tit. Devenescira. Robertus filius Bernardi Vicecomes.*

The same Words as above; In Mag.

Rot. 19 Hen. 2. Rot. 4. a tit. Devenescira. Comes Reginaldus Vicecomes de dimidio anno.

The same also, in Mag. Rot. 16 Hen. 2. Rot. 7. a. Devenescira. Robertus filius Bernardi Vicecomes.

Oliverus de Traci reddit compotum de c & lxvi l & vis & iiiii d, pro parte sua de Honore de Bardestaple. In thesauro lxvi l & xiii s & iiiii d; Et debet quater xx & xix l & xiii s. Mag. Rot. 25 Hen. 2. Rot. 2. b. Devenescira.

(w) *Tomas de Scoteigni reddit compotum de cl & i palefr[ido], pro habenda rationabili parte sua, quæ est in man[u] Regis, quæ eum contingit, de Baron[ia] quæ fuit Lamberti de Scoteigni, cum esnechia in baill[iva] Vicecomitis]. Mag. Rot. 7 Joh. Rot. 18. a.*

Willielmus filius Rogeri debet cl, pro habenda rationabili parte quæ contingit Agnetem de Scoteigni uxorem suam, de terris quæ ipsam de jure contingunt,

Baronia Wⁱ de Bello Campo. Wigorn. ut videl. Hist. of Exch. p 495.

In the eighth year of K *John*, a Concord was made before the King and his Barons, by *Simon de Montfort* Earl of *Leycester*, and *Saiher de Quenci* Earl of *Winchester*, for all the Lands and Honors which belonged to *Robert* Earl of *Leycester* on the day of his death: namely one whole Moiety of those Lands and Honors, in Lordships and Knights Fees, should remain to one of the said Earls, and the other Moiety to the other of the said Earls; Saving to Earl *Simon* the Third peny of the County of *Leycester*, and the Stewardship of *England* (w).

In the second Year of K *Henry* III, the Barony of *John de Wabill* descended to two Ladies, to wit, one Moiety of it to *Roheise* Wife of *Robert del Isle*, and the other Moiety to *Agnes* who had been wife to *Robert de Basingeham* (x).

In the second year of K *Henry* III, the *Honour of Toteneis* was divided into Moieties (y).

In the reign of K *Henry* III, the Barony of *Haverford* descended from *William* Earl *Mareschal* to two Ladies, one of whom was married to *William de Valencia*, the other to *Humfrey de Bohun* (z).

In

tingunt, & pro habenda Etnesceia terræ illius, sicut eam habere debet. *Mag. Rot. 6 Job. Rot. 6. b. sub Lincolscira.*

(w) Johannes &c. Sciatis nos concessisse & præsentī carta confirmasse, pactionem factam coram nobis & Baronibus nostris, per Simonem de Monteforti Comitem Leycestriæ, & Saiherum de Quenci Comitem Winton[iæ], de omnibus terris & honoribus, quæ fuerunt Comitis Roberti Leycestriæ die quo obiit, cum omnibus pertinentiis suis; ita scilicet, quod tota medietas illarum terrarum & honorum, in Dominiis & feodis, & omnibus aliis rebus & locis, remaneat uni illorum Comitum, Et altera medietas alteri; Salvis prædicto Comiti Simoni tertio denario Comitatus Leicestriæ, & Senescaltia nostra; ita etiam quod xl libratae terræ de parte Comitis Simonis, remanebunt præfato Comiti Saihero, præter partem suam, quousque similiter deliberaverit eidem Comiti

Saihero rationabilem partem suam de terra quæ fuit prænominati Comitis Roberti in Normannia &c. Data &c. x^o die Martii anno regni nostri octavo. *Ex Dugd. Collect. MSS, L, fol. 68. a. in Museo Ashmol. Oxon.*

(x) Robertus de Insula & Roheisia uxor ejus, Vicecomes pro eis reddit compotum de cl, pro habenda medietate Baronie, quæ ipsam Roheisiam hæreditarie contingit, quæ fuit Johannis de Wahill, & pro Relevio ejusdem. Agnes quæ fuit uxor Roberti de Basingeh[am], Willelmus filius Warini pro ea, debet cl, pro habenda alia medietate prædictæ Baronie, & pro Relevio ejusdem. *Mag. Rot. 2 Hen. 3. Rot. 6. b. Buck[inghamia] & Bedef[ordia]. tit. Nova Oblata.*

(y) Reginaldus de Valle torta and Willelmus de Braiosa had each of them a Moiety of the Honour of Toteneis. *Mag. Rot. 2 Hen. 3. Rot. 9. a. Devon.*

(z) Memorandum de contentione

N

mota

In the two and fortieth year of K *Henry III*, the Honor of *Niggell de Luvetot*, consisting of Ten Fees, was divided into three parts. And the Honor of *John* Earl of *Huntendon* was divided into moieties: *Robert de Brus* had one moiety of it by descent, and *John de Baillol* the other moiety (b).

In mota inter Willelmum de Valencia, & Humfridum de Bohun, de secta de Havereford.

Memorandum quod cum contentio mota esset in Curia Domini Regis, inter Willelmum de Valencia, qui habet in uxorem unam de hæredibus W quondam Comitis Marefcalli, & Humfridum de Bohun Juniorem, qui habet alteram de hæredibus ejusdem Comitis in uxorem, super secta quam idem Willelmus de Valencia petebat sibi fieri ad Comitatum suum de Penbrok, de eodem H & militibus & libere tenentibus suis de Baronía de Haverford. Idem H, quia placita quæ pertinent ad Comitatum de Penbrok, de consensu omnium hæredum prædicti Comitis extensa fuerunt & concessa prædicto W & Johannæ uxori ejus, in proparte eorum de terris quæ fuerunt ejusdem Comitis, concessit pro se & hæredibus suis eidem Willelmo & Johannæ & eorum hæredibus, quod omnes prædicti Milites & libere tenentes de Baronía de Haverford in Comitatu Penbrok, talem sectam faciant ad prædictum Comitatum, in hiis quæ pertinent ad Senescallum, qui est quasi Justiciarius in partibus illis, & ad Vicecomitem, qualem facere consueverunt tempore Roberti filii Richardi Domini de Haverford, antequam Baronía de Haverford devenisset in manum Domini Regis, & postea in manum Marefcalli; Salviseidem Hunfrido & uxori suæ, & eorum hæredibus, omnimodis aliis sectis & libertatibus de prædictis Militibus & libere tenentibus, quas dictus Robertus habuit tempore suo. Et concessum est ex utraque parte, quod per xii tam Mili-

tes quam liberos & legales homines de partibus illis, qui prædictos Willelmum & Hunfridum nulla affinitate attingant, fiat plena inquisitio de sectis & libertatibus, quas idem Robertus habuit tempore suo. Ita quod prædicti Willelmus de Valencia & Johanna uxor ejus, & eorum hæredes, habeant talem sectam ad Comitatum suum de Penbrok, de dicto Humfrido & tenentibus suis de Baronía de Haverford, qualem Comites Marefcalli habuerunt tempore prædicti Roberti. Et prædictus Hunfridus & uxor ejus, & eorum hæredes, habeant omnimodas libertates quas idem Robertus habuit de dicta Baronía tempore suo, secundum quod convinci poterit per dictam Inquisitionem. Et Tenentes terras in Comitatu Penbrok quæ sunt de feodo Mar[escalli], talem sectam faciant ad Comitatum prædictum, qualem consueverunt facere temporibus eorundem Marefcallorum, coram Senescallo & Vicecomite Penbrok[iæ]. *Mich. Memoranda 40 & 41 Hen. 3. Rot. 2. b. in bundello notato 41 Hen. 3.*

J Comes Cestriæ & Hinted[oniæ] (*ita in Rotulo*), unus hæredum R quondam Comitis Cestriæ & Lincoln[iæ], [debet] 1l pro Relevio suo. *Mag. Rot. 21 Hen. 3. Rot. 4 a. m 1.*

(b) Scutagium Walliæ, scuto affiso ad xls: Ricardus de Luvetot debet x marcas de tertia parte x feodorum Niggelli de Luvetot &c: Isti habent quietantiam per brevia Regis: Ricardus de Frivill Hæres Baldewini de Frivill; Abbas de Ramesia de iiii feodis; Robertus de Brus unus hæredum Johannis Comitis Huntendon[iæ] de 1 feodo de medietate feodorum dicti Comitis

In the eighteenth year of King *Edward I*, the Barony of *Cormailles*, appeareth to have been divided into Three Parts (c).

In the twelfth year of K *Edward I*, it appeareth by the Great Roll of the Exchequer, that the Barony of *Mountfychet* was divided into Three Parts, whereof One Part was vested in *Richard Playz* nephew and one of the heirs of *Richard de Mountfychet* (d).

In the two and twentieth year of K *Edward I*, the Barony of *Gaugy* was divided into Moieties (e).

In the Thirtyfifth year of K *Edward I*, *John* son and heir of *Hugh de Odyngeseles* held certain Manours in the Counties of *Suffolk*, *Hertford*, *Warwick*, and *Oxford*, of the King in chief, by the Service of the Moyety of the Barony of *Limesy* (f).

Comitis in hiis Comitatibus, Johannes de Balliol de 1 feodo de alia medietate eorundem feodorum. *Mag. Rot.* 42 *Hen 3. tit. Cant. & Hunt. m 2. b.*

(c) —Tertia pars Baronie de *Cormailles* late of *Walter Giffard*, de hæreditate *Sibillæ Giffard* matris suæ. *Mag. Rot.* 18 *Edw. 1. tit. Wilteshire, m 1. a.*

(d) *Effexia*. Memorandum quod *Johannes Howard Chivaler*, qui *Margaretam* filiam & hæredem *Johannis Plays Chivaler* defuncti duxit in uxorem, *was attached to answer for his Relief. He came.* Et cognovit se tenere per legem Angliæ post mortem præfatæ *Margaretæ* nuper uxoris suæ —, de Domino Rege in Capite die quo obiit, Manerium de *Magna Ocleye*, & advocationem ecclesiæ ejusdem Manerii, *and other lands*, necnon Manerium de *Foulmere*, & advocationem ecclesiæ ejusdem Manerii cum pertinentiis, in Comitatu *Cantebrigie*, per servitium tertiæ partis unius Baronie, videlicet Baronie de *Mountfychet*, juxta quod servitium offert Regi relevium —. Et unde compertum est in Magno Rotulo de anno xii Regis E filii Regis H, in *Effexia*, quod *Ricardus Playz* nepos & unus hæredum *Ricardi de Mountfychet*, quem quidem *Ricardum* præ-

The dictus *Johannes Howard* dicit fuisse antecessorem prædictæ *Margaretæ* oneratus fuit de 1 marcis, ut pro tertia parte Baronie quæ fuit ipsius *Ricardi* ubi continetur quod Baronia integra tunc temporis onerata fuit versus Regem de Relevio suo de cl. *Pas. Fines.* 18 *Ric. 2. Rot. 1. a.*

De 1/ de Relevio *Roberti filii Walteri* soluto.

Robertus filius Walteri qui habet in uxorem *Devorgullam* unam filiarum & hæredum *Johannis de Burgo* filii & hæredis *Hawisæ de Launvalley*, quæ de Rege tenuit in Capite per Baroniam, venit coram Baronibus & dat Regi 1/ pro Relevio suo de medietate Baronie prædictæ. De quibus reddet xxl citra festum sanctæ *Luciæ* & residuas xxxl ad festum Sancti *Michaelis* proximo sequens. *Mich. Communia* 14 *Edw. 1. Rot. 1. a. in bund. 13 & 14 Edw. 1. The Pipe Award in the Margin is in Rot 11 Regis E tertii in Effexia.*

(e) — qui tenuit medietatem Baronie de *Gaugy*. *Mich. Communia* 21 & 22 *Edw. 1. Rot. 2. a. Northumbria.*

(f) *Warr. Leyc. De Relevio.* *Johannes de Dodingeseles* filius & hæres *Hugonis de Dodingeseles*, dat Domino Regi xxxvi/ vis viii/ pro relevio suo de omnibus terris & tenementis quæ

The Barony of *Walrand* in *Wiltshire* and *Dorsete* was divided into Three Parts. It descended from *Walter Walrand* to his Three Daughters, *Cecilie*, *Albrede*, and *Joan*. And afterwards it underwent another Division or Distribution in the course of Heritage, as appeareth hereunder (g).

quæ dictus Hugo pater suus tenuit de Rege in Capite die quo obiit, videlicet xxxiii^l vis viii^d pro relevio suo de Manerio de Cavenedich in Comitatu Suff[olciæ], quodam tenemento in Piriton in Comitatu Hertf[ordia], Manerio de Longeschinton in Comitatu Warr[ewici], & Manerio de Bradewelle in Comitatu Oxoniæ; quæ quidem Maneria & tenementa tenentur de Rege in capite, per servitium medietatis unius Baronie, quæ quondam fuit Willelmi de Limsey, & xs pro relevio suo pro quodam tenemento in Kelmescote in Comitatu Oxoniæ, de feodo Henrici de Pinkeny de Baronia prædicta, quod tenetur de Rege in capite, per servitium decimæ partis unius feodi Militis, & ls pro relevio suo de quodam tenemento in Ichinton & Arleie in Comitatu Warr[ewici] de feodo de Pinkeni, quod tenetur de Rege in capite per servitium medietatis unius feodi Militis, exceptis xii virgatis terræ quas Thomas de Boltesham inde tenet in Villa prædicta de Longa Ichintone, sicut idem Johannes recognovit &c. Et memorandum, quod compertum est in Rotulo Esch[aetriæ] de securitatibus releviorum, quod prædictus Hugo de Dodingesales tenuit de Rege in capite prædictam medietatem Baronie; & idem Johannes modo recogn[oscit] quod prædicta decima pars & medietas unius feodi Militis quas ipse modo tenet, aliquando tenebantur de Henrico de Pinkeney, & modo tenentur de Rege in capite per feoffamentum prædicti Henrici; & quod ipse easdem decimam partem & medietatem &c. ex nunc clamat tenere de Rege in capite &c. Postea præceptum est Vic[ecomiti],

In quod fieri faciat &c. ita &c. in Craestino Sancti Michaelis. Ad quem diem Vicecomes retornavit breve. Dies datus. *Trin. Fines 35 Edw. 1. Rot. 65. b.*

Norfolcia. De Relevio.

John de Ratynden cousin and heir of Alice Mucegrofs pays xi^l iis ii^d ob. q. for Relief for all the Lands which Alice held of the King in Capite viz. for the Sixth Part of the Barony which Hugh Dyve formerly held. In the 21 year of King Edw. 1. Alice paid xxv marks Relief for the said sixth part of a Barony the Relief of a whole Barony being then charged at c^l. But now by the Magna Charta Regis de Libertatibus Angliæ the King would take but c marks for the Relief of a Barony (which Charter the King by writ *quod est inter Cimmunia de anno xxix^o* commands should be observed in all points) John de Ratynden is charged for the same Portion of the Barony, & non de tanta summa pecuniæ as Alice. *Pas. Fines 35 Edw. 1. Rot. 47. b.*

(g) Wiltescire, Dorsete. De Relevio. Thomas son of Laurence Clauston and others were impleaded for Relief, for certain Lands supposed to be holden of the King in Chief by Knights service. Postea scrutatis Rotulis pro Rege &c. compertum est in Magno Rotulo de anno xix Regis E filii Regis H in Wiltescire, quod quidam Reginaldus de Sancto Martino filius & hæres Willelmi de Sancto Martino oneratus fuit de L marcis de relevio suo de omnibus terris & tenementis, quæ idem Willelmus pater suus tenuit de Rege in capite, die quo obiit, sicut continetur in Originali de dicto anno xix, videlicet de tertia parte Baronie Walteri Walrand, de

In the thirtieth year of K *Edward* I, the Barony of *Peter de Bruys*

de qua Johanna de Nevyl avia prædicti Reginaldi, & una hæredum prædicti Walteri, seifita fuit post mortem ipsius Walteri, tanquam proparte sua Baronie prædictæ. Compertum est etiam in *Memorandis* de anno xxxiii dicti Regis E filii Regis H, *inter Communia de Termino Paschæ*, quod quidam Johannes de Ingham oneratus fuit de 1/ de relevio Oliveri de Ingham hæredis Albredæ de Boterelles, pro medietate Baronie, quæ fuit Walteri Walrand, quam medietatem dicta Albreda tenuit in capite de dicto Domino Rege H, videlicet medietatem illius Baronie in Comitatu Wiltesciræ, quæ quondam fuit Walteri Walrand patris ipsius Albredæ, adiciendo quod idem Walterus tenuit de Rege per Baroniam integram & quod ipso Waltero defuncto successerunt ei tres filie & hæredes, videlicet Cecilia primogenita quam Johannes de Monemue habuit in uxorem, & procrearunt de se Johannem filium & hæredem, qui postmodo obiit sine hærede de se &c. Albreda secunda filia &c. quam Johannes de Ingham pater Walteri de Ingham patris prædicti Oliveri habuit in uxorem, & quam, defuncto ipso Johanne, Reginaldus de Boterellis similiter habuit in uxorem, & Johanna tertia filia &c. quam quidam Willelmus de Sancto Martino habuit in uxorem; & unde dixit idem Johannes Ingham quod post mortem dicti Walteri Walrand, prædicta Baronia descendit ipsis Cecilie Albredæ & Johannæ filiabus &c. & pro eo quod dictus Johannes filius Johannis de Monemue & filius & hæres dictæ Cecilie obiit sine hærede de se, propars illa quæ fuit ejusdem Johannis de dicta Baronia reforciebatur prædictis Albredæ & Johannæ ut hæredibus ipsius Johannis, quas quidem 1/ idem Oliverus solvit, videlicet 1 marcas de relevio suo de proparte sua

hæreditatis Walteri Walrand, & xxv marcas de relevio suo pro proparte ipsius contingente, pro dicta tertia parte dictæ Baronie quæ fuit dicti Johannis Monemue, & quæ per mortem ejusdem Johannis reforciebatur ipsi Olivero. Compertum est etiam in *Memorandis* de anno septimo Regis E filii dicti Regis E, *inter Fines de termino Sancti Michaelis*, quod quidam Oliverus de Ingham filius & hæres dicti Johannis de Ingham, oneratus fuit de 1 marcis de relevio suo, de medietate Baronie, quæ quondam fuit Walteri Walrand, unde alteram medietatem dictæ Baronie tenuit tunc Reginaldus de Sancto Martino, ut idem Oliverus tunc dixit de hæreditate Johannæ alterius hæredum prædicti Walteri Walrand, sicut continetur ibidem. Compertum est etiam in quodam *Rotulo* de serviciis Domini Regis E, summonitis apud Rothelanum anno regni sui decimo, contra Rebelles Walliæ, coram tunc Constabulario & Marefcallo Angliæ, in baga de Marefcal[cia] existente, inter cætera, sic, Willelmus de Sancto Martino recogn[ovit] servicium unius feodi Militis, pro medietate Baronie Walteri Walrand; facit per seipsum Militem & si plus &c. Compertum est etiam in quodam *Rotulo* de securitatibus releviorum, tempore Magistri Johannis Walewayn Escaetoris Regis citra Trentam, a xix^o die Februarii anno viii^o dicti Regis E secundi, usque festum Sancti Michaelis anno xi^o dicti Regis, quod inventum fuit per quandam Inquisitionem coram eo captam, quod quidam Reginaldus de Sancto Martino tenuit die quo obiit, Manerium de Sutton Walrand in Comitatu Dorsetiæ, Manerium de Avene, & medietatem Villatæ de Estgrymstede, in Comitatu Wiltes[iæ], de Rege in Capite per Baroniam. Item tenuit Ma-

Bruys was parted between his Four Daughters, *Agnes*, *Margaret*, *Laderina* and *Lucia* (b).

neria de Obeton & Werdore in eodem Comitatu, de aliis Dominis per diversa servitia. Et Thomas Alwy & Robertus Brudecombe manuceperunt pro relevio Laurentii filii & hæredis prædicti Reginaldi. Quibus compertis, Concordatum est inter Barones, quod prædictus Thomas Calston veniret ad respondendum Regi plenius de relevio suo prædicto, videlicet pro quarta parte dictæ Baronie de Walrand, vel ad ostendendum Curie quare inde respondere non deberet, necnon ad informandum Curiam, quis vel qui tenet vel tenent dictam alteram medietatem dictæ Baronie de Walrand, quam quidem medietatem dictus Oliverus de Ingham nuper tenuit. Et præceptum est Vicecomiti Wiltes[ie], quod distringat præfatum Thomam Calston per terras &c. Ita &c. ad respondendum plenius de relevio suo prædicto, sicut continetur in *Memorandis* de anno xi^o Regis H quarti qui dicto Domino Regi Ricardus successit in regimine regni, videlicet inter brevia retornabilia de termino Sanctæ Trinitatis, rotulo primo. Et facta executione versus præfatum Thomam Calston in præmissis, usque Crastinum Sancti Michaelis anno xii^o dicti Regis Henrici quarti, sicut continetur in ligulis brevium in Wiltes[ie]. Ad quem diem prædictus Thomas Calston venit per Willelmum Gammell Attornatum suum. Et cognovit se tenuisse post mortem dicti Laurentii de Sancto Martino Chivaler, in propartem ipsum Thomam contingentem de hæreditate prædicti Laurentii, prædictum Manerium de Sutton Walrond cum pertinentiis in dicto Comitatu Dorset[ie], de Domino Rege in Capite, per servitium quartæ partis unius Baronie, videlicet dictæ Baronie de Walrond, quæ quon-

In dam fuit Walteri Walrond, prout per scrutinium prædictum pro Domino Rege factum inventum est; juxta quod servitium offert Regi relevium &c; Protestando, quod si imposterum inveniri contigerit, Manerium prædictum per majus sive per aliud servitium de Domino Rege teneri, se velle onerari versus Regem de relevio suo juxta servitium illud. Et super hoc prædictus Thomas Calston dat Domino Regi xi^l xiiis iiii^d, de relevio suo pro Manerio prædicto, ultra c^s prædictos, per ipsum prius Regi solutos pro eodem Manerio; & prædictus Henricus Popham, alter Consanguineorum & hæredum prædicti Laurentii de Sancto Martino, oneratur similiter de relevio suo, pro altera quarta parte dictæ Baronie de Walrond, sicut continetur in *Memorandis* de anno xi^o dicti Regis H, inter Fines de Termino Sancti Michaelis; ubi etiam continetur, quod executio fit versus tenentes alterius medietatis dictæ Baronie de Walrond. *Mich. Communia* 15 Ric. 2. Rot. 2. b. inter Fines &c.

(b) Ebor[acis]cira]. Edmundus de Twenge filius & hæres Johannis de Twenge, dat Domino Regi xii^s xd, pro relevio suo, de omnibus terris & tenementis, quæ idem Johannes pater suus tenuit de Rege in Capite, die quo obiit, & pro quibus idem Edmundus fecit Regi homagium xxviii^o die Aprilis anno quinto Regis nunc, sicut continetur in Originali de eodem anno, videlicet pro xi mes[uagiis], xi toftis, xxi bovatis & vii acris terræ, cum pertinentiis in Suthbrunne, quæ dicit dictum patrem suum tenuisse de Rege in capite, per servitium xxvi partis quartæ partis Baronie quæ fuit Petri de Bruys, & quæ tenementa dicit eundem patrem suum adquisivisse de Roberto de

In the reign of K *Edward* I and afterwards, the Barony of *Byset* came to be divided (by Descent *inter Foeminas*) into three Parts, and then subdivided into other smaller Parts (*i*).

de Thweng, per Cartam Regis E patris Regis nunc de licentia, quam ostendit, & cujus data est xxviii^o die Julii anno xvij^o, quem quidem Robertum de Thweng idem Edmundus dicit fuisse filium & hæredem Marmaduci de Thweng, qui Luciam quartam filiarum & hæredum prædicti Petri de Bruys duxerat in uxorem; & unde scrutatis Rotulis &c. compertum est, quod Walterus de Faucomberge, qui habuit in uxorem Agn[etem] primogenitam filiam & unam hæredum, Margareta de Ros quæ fuit uxor Roberti de Ros, secunda filia & hæres Johannis de Bella aqua, qui habuit in uxorem Laderinam tertiam filiarum & hæredum, & Marmaducus de Thweng & Lucia uxor ejus, quarta filiarum & hæredum Petri de Bruys, participabant Baroniam integram quæ fuit ejusdem Petri, & inde onerantur separatim de releviis suis sicut continetur in *Memorandis* anni xxx Regis E avi Regis nunc inter *finis* de termino Sancti Michaelis. Et dicit prædictus Edmundus & concedit, quod si imposterum contigerit inveniri, dictum Johannem patrem suum tenuisse die quo obiit, terras & tenementa prædicta, vel alia, de Rege in capite, per majus servitium quam superius recogn[ovit], se velle onerari de relevio inde ulterius, prout Curia &c. Postea prædictus Edmundus solvit prædictos xii s x d, per i talliam levatam vi^{to} die Februarii anno x^o. *Hil. Fines 10 Edw. 3 Rot. 1. a.*

(*i*) Suthamtonia, Wyltesia. Memorandum quod Walterus de Romefeye Chivaler, filius & hæres Margarete de Romefeye defunctæ, attachiatus fuit effendi hic ad plures dies præteritos, & tandem in Craſtino Sancti Hillarii hoc

In Termino, ad respondendum Regi de relevio suo, de omnibus terris & tenementis quæ præfata Margareta Mater sua tenuit de Domino E nuper Rege Angliæ avo Domini Regis nunc in Capite, die quo obiit, & pro quibus dictus Walterus fecit dicto Regi avo homagium & fidelitatem suam, xxii die Februarii anno regni sui xlvii^o, sicut continetur in Originali de eodem anno, Rotulo septimo. Et ad prædictum Craſtinum sancti Hillarii prædictus Walterus venit hic per Johannem Wicombe Attornatum suum. Et cognovit se tenere de Domino Rege nunc in capite, & dictam Margaretam similiter tenuisse de dicto rege avo in capite, die quo obiit, terciam partem Manerii de Kydermynstre cum pertinentiis in Comitatu Wygornia, Manerium de Rokebourn cum pertinentiis in Comitatu Suthamtonia, & medietatem Manerii de Combe cum pertinentiis in Comitatu Wyltesia per servitium terciæ partis unius Baronie, videlicet Baronie de Byset; juxta quod servitium offert Regi relevium &c; Protestando quod si imposterum inveniri contigerit, supradicta terciam partem Manerii de Kydermynstre, Manerium de Rokebourn, & medietatem Manerii de Combe, per majus sive per aliud servitium de Domino Rege teneri, se velle onerari versus Regem de relevio suo pro terciâ parte, Manerio, & medietate prædictis, juxta servitium illud. Et super hoc, idem Walterus de Romefeye dat Domino Regi vii/ viii s ii d, de relevio suo pro terciâ parte, Manerio, & Medietate prædictis, ut pro terciâ parte terciæ partis unius Baronie. Et unde scrutatis rotulis pro Rege, Comper- tum est in *Memorandis* de anno xxxi^o Regis

In the fortyfifth year of K *Edward III*, *Henry de Pakenham* and *Letice* his wife held of the King in chief certain lands and

Regis E filii Regis H, inter *Fines* de Termino sancti Michaelis, quod Johannes Byfet filius & hæres Johannis de Wotton & Elæ Byfet quæ fuit tertia Sororum & hæredum Johannis Byfet defuncti, quem quidem Johannem prædictus Walterus de Romefeye dicit fuisse antecessorem suum, oneratus fuit de xxii / xiiiiis *vd* ob. de relevio suo, tanquam pro tertia parte dictæ Baronie de Byfet. Compertum est insuper in Magno Rotulo de anno quarto Regis H tertii, in Wygornia, quod Johannes Byfet oneratus fuit de *c/l*, de relevio suo pro omnibus terris & tenementis cum pertinentiis, quæ Willelmus Byfet frater prædicti Johannis, cujus hæres ipse est, tenuit de Rege die quo obiit. Quibus compertis dictum est præfato Waltero de Romefeye, quod det Regi relevium pro dicta Baronia de Byfet integra, vel ostendat Curie quare de relevio suo ut pro prædicta Baronia integra Regi respondere non debeat. Ad quod idem Walterus de Romefeye dicit, quod ipse non est plenarie informatus ad præsens ad respondendum in præmissis; petens diem ulteriorem de gratia Curie, citra quem informari poterit inde; Quod de gratia Curie concessum est ei. Et super hoc datus est dies præfato Waltero de Romefeye hic a die Paschæ in xv dies ad respondendum &c. vel ad ostendendum quare &c. *Here are many Continuances.* Ante quem diem prædictus Rex Ricardus secundus cessavit a regimine regni sui. Et regnante tunc Rege Henrico quarto, prædictus Walterus venit hic gratis per dictum Attornatum suum. Et ob causam prædictam habet diem ulterius, usque a die Sancti Hillarii anno primo dicti Regis Henrici quarti in xv dies, ad respondendum Regi plenius de relevio suo, vel ad ostendendum quare &c. Ad quem diem

prædictus Walterus non venit. Ideo præceptum est Vicecomiti Suthamtoniæ per breve dicti Regis H, quod distringat ipsum Walterum Romefeye per terras &c. Ita &c. in Craftino Clausi Paschæ, ad respondendum nobis plenius de relevio suo &c. Et facta executione versus præfatum Walterum Romefeye Chivaler in præmissis, usque in Craftinum Sancti Michaelis anno tertio Regis Henrici quarti, qui dicto Domino Regi nunc successit in regimine regni, sicut continetur in ligula brevium in Suthamptonia; quo die prædictus Walterus Romefeye venit hic per Johannem Fauntleroy Attornatum suum. Et bene cognoscit quod prædictus Johannes Byfet antecessor suus tenuit prædictam Baroniam de Byfet integram; post cujus mortem dicta Baronia integra descendebat Johanni de Ripariis, Johanni de Wotton, & Elæ uxori ejus, & Hugoni de Plessetis & Isabellæ uxori ejus, hæredibus prædicti Johannis Byfet; inter quos dicta Baronia partita fuit, sicut continetur in quadam purpartia inde facta sigillis dictorum hæredum sigillata & Curie hic ostensa, cujus transcriptum est inter billas de hoc Termino; In qua continetur quod Manerium de Burgate cum parco & hundredo & Manesbrigge in Comitatu Suthamptoniæ, & Manerium de Wygeband cum suis pertinentiis in Comitatu Glouvern[iæ], & Manerium de Stoke cum suis pertinentiis in Comitatu Oxoniæ, cum decem libratibus annui redditus in Suburbiis Oxoniæ, cum prato adjuncto, & tertia pars quinquaginta solidorum annui redditus de uno feodo Militis in Hibernia, quod Almaricus de Sancto Amando quondam tenuit, & tertia pars Manerii de Kydermynster, cum advocacione Ecclesiæ ejusdem in Comitatu Wygornia, assignata fuerunt

rents in *Norfolk*, by the Service of the Hundredth Part of the Barony of *Tateshale*. And in the eighteenth year of K *Richard II*, *Henry Heryng* held certain lands and rents in *Norfolk*, by the Service

runt prædicto Johanni de Ripariis & hæredibus suis imperpetuum, pro parte sua de hæreditate prædicta. Et quod Manerium de Rokeburn, cum duobus parcis & affartis in dicto Comitatu Suthampt[oniæ], medietas Manerii de Combe cum suis pertinentiis in Comitatu Wiltes[iæ], tertia pars terrarum in Wychemaubanc cum pertinentiis in Comitatu Cestriæ, tertia pars quinquaginta solidorum annui redditus de prædicto feodo in Hibernia, & tertia pars dicti Manerii de Kydermynstre cum pertinentiis in dicto Comitatu Wigorn[iæ], assignata fuerunt præfatis Johanni de Wotton & Elæ uxori ejus, & hæredibus suis imperpetuum, pro parte sua de hæreditate prædicta. Et Manerium de Edyndon cum pertinentiis in comitatu Oxoniæ, altera medietas dicti Manerii de Cumbe cum pertinentiis in dicto Comitatu Wiltes[iæ], tertia pars terrarum in Wychemaubanc cum pertinentiis in dicto Comitatu Cestriæ, tertia pars dicti Manerii de Kydermynstre cum pertinentiis in dicto Comitatu Wygorn[iæ], & tertia pars quinquaginta solidorum annui redditus de prædicto feodo in Hibernia, assignata fuerunt præfatis Hugoni de Pleffetis & Isabellæ uxori ejus, & hæredibus suis imperpetuum, pro parte sua de hæreditate prædicta. Et dicit prædictus Walterus Romesey, quod ipse est consanguineus & hæres prædictorum Johannis de Wotton & Elæ uxoris ejus, videlicet filius Margaretæ filiæ cujusdam Johannis Byfet, filii & hæredis prædictorum Johannis de Wotton & Elæ uxoris ejus, quæ quidem Ela fuit tertia Sororum & hæredum prædicti Johannis Byfet senioris. Et dicit idem Walterus, quod prædicta medietas Manerii de Cumbe in Comitatu Wiltes[iæ],

Manerium de Rokeburn in dicto Comitatu Suthamtoniæ, & quoddam Manerium in Kydermynstre in dicto Comitatu Wygorn[iæ], quod quondam fuit nisi tertia pars dicti Manerii de Kydermynstre integri, post mortem præfatæ Margaretæ Matris suæ eidem Waltero jure hæreditario tantum descenderunt. Et dicit idem Walterus, quod ipse non tenet, nec prædicta Margareta Mater sua tenuit die quo obiit, prædictam terciam partem terrarum in Wychemaubanc in Comitatu Cestriæ, neque dictam terciam partem quinquaginta solidorum annui redditus in Hibernia. Et dicit, quod prædicta Manerium de Rokeburne cum pertinentiis in Comitatu Suthamtoniæ, Manerium de Kydermynstre cum pertinentiis in dicto Comitatu Wygorn[iæ], & medietas dicti Manerii de Cumbe in dicto Comitatu Wiltes[iæ], tenentur de Domino Rege in capite, per servitium duarum partium terciæ partis dictæ Baronie de Byfet; juxta quod servitium offert Regi relevium &c. Protestando quod si posterum inveniri contigerit, Maneria prædicta per majus five per aliud servitium de Domino Rege teneri, se velle onerari versus Regem juxta servitium illud. Et super hoc prædictus Walterus Romesey Chivaler dat Domino Regi alios vii l viiis ii d, de relevio suo, pro dictis Maneriis de Rokebourne & Kydermynstre & medietate Manerii de Cumbe, ultra vii l viiis ii d de quibus prius onerabatur & satisfecit, pro Maneriis & medietate prædictis. *Hil. Fines 17. Ric. 2. Rot. 5.*

Ebor. Edmundus de Twenge filius & hæres Johannis de Twenge dat Domino Regi xiis x d pro relevio suo de omnibus terris & tenementis, quæ idem Johannes pater suus tenuit de Re-

vice of the two-hundredth Part of the said Barony of *Tateshale* (k).

In the eighteenth year of K *Richard II*, *John de Mountague* acknowledged in the Court of Exchequer, That he held divers Lands and Knights Fees of the King *in chief*; amongst others, divers lands and Knights Fees in the Counties of *Hereford*, *Somerset*, and *Wiltes*, as parcell of the *Honor* of *Ewyas*, by the Service of the Hundredth Part of a Barony, to wit of the Barony of *Ewyas*;

ge in capite, die quo obiit, & pro quibus idem Edmundus fecit Regi homagium xxviii^o die Aprilis anno quinto Regis nunc, sicut continetur in Originali de eodem anno, videlicet pro xii mesuagiis xi toftis xxi bovatis & vii acris terræ cum pertinentiis in Suthbrunne, quæ dicit dictum patrem suum tenuisse de Rege in capite per servitium xxvi partis quartæ partis Baronie quæ fuit Petri de Bruys —. *Hil. Fines*, 10 *Edw.* 3. *Rot.* 1. a.

(k) *Norfolcia*. Henricus Heryng Clericus frater & hæres Johannis Heryng de Thompson defuncti, *was attached to answer to the King for Relief*, de omnibus terris & tenementis quæ prædictus Johannes frater suus tenuit de Rege in Capite die quo obiit —.

Henry came by his Attorney: Et cognovit se tenere, & dictum Johannem fratrem suum tenuisse, in domino suo ut de feodo, die quo obiit, quindecim acras terræ cum pertinentiis in Snyterton in Comitatu Norfolciæ, & xl vis viii^d redditus annuatim percipiend[os] ad festa Nativitatis S Johannis Baptistæ, & S Michaelis, per æquales portiones, de diversis liberis tenentibus, & de diversis customariis, in Villis de Shropham, Snyterton, Wilby, Hargham, Lirlyng, Brethenham, Illyngton, Bokelound, & Stowebydon, cum pertinentiis in dicto Comitatu Norfolciæ, de Domino Rege in Capite, per servitium ducentesimæ partis unius baroniæ, videlicet

Baroniæ de Tateshale. Juxta quod servitium offert Regi relevium —. Et super hoc idem Henricus dat Domino Regi vis viii^d, de relevio suo pro terra & redditu prædictis.

He acknowledged the like tenure and service for lands which Letice the wife of John Heryng held of the King in Capite, and paid for Relief, other vis viii^d, for John son of Letice. Et unde compertum est in Memor[andis] de anno xlv^o Regis E tercii, videlicet avi Domini Regis nunc inter Fines de termino S Michaelis, Rotulo tertio, quod Henricus de Fakenham filius & hæres Agnetis unius, & prædicta Læticia per nomen Læticiæ alterius sororum & hæredum Henrici de Breton defuncti, onerantur de xiiis viii^d, de releviis suis, post mortem prædicti Henrici Breton de xxx acris terræ cum pertinentiis in Snyterton, & septem marcatis redditus exeuntis de diversis liberis tenent[ibus], & quatuor customar[iis], in prædictis villis de Snyterton, Shropham, Wilby, *and others*, & quas quidem xxx acras terræ & septem marcas redditus cum pertinentiis, prædicti Henricus de Pakenham & Læticia tunc cognoverunt teneri de dicto Rege avo in Capite ut parcellam Baronie de Tateshale, per servitium Centesimæ partis Baronie prædictæ, ubi continetur quod Radulphus Cromwell & Johannes de Orrebi & Isabella uxor ejus tenent parcellam Baronie prædictæ, videlicet maximam partem ejusdem Baronie. *Hil. Fines* 18 *Ric.* 2. *Rot.* 1. b.

as; That the *Honor* of *Ewyas* was holden of the King *in chief* by Barony; and that the same *Honor* was a certain *congregatum*, composed of the Castle of *Ewyas* and divers other Manours, namely the Manours of *Ewyas*, *Chelleworth*, *Alyngton*, *Eton*, and of many other Fees and Dominions (*l*).

In the eighteenth year of K *Richard* II, *Walter de Romesey*
Chivaler

(*l*) Suthamt[escira]. Memorandum quod Johannes de Monte Acuto Chivaler, filius & hæres Johannis de Monte acuto Chivaler sen[ioris] defuncti, attachiatus fuit effendi hic ad plures dies præteritos, & tandem in crastino S Michaelis hoc termino, ad respondendum Domino Regi de relevio suo, de omnibus terris & tenementis quæ prædictus Johannes de Monte Acuto senior tenuit de Rege in Capite die quo obiit, tam in Comitatu Suthamt[oniæ], quam in diversis Comitatibus Angliæ, & pro quibus prædictus Johannes de Monte Acuto filius fecit Domino Regi nunc homagium & fidelitatem, xiiii^o die septembris anno regni sui xiiii^o, sicut continetur in Originali de eodem anno, Rotulo primo.

Et ad prædictum crastinum S Michaelis prædictus Johannes de Monte Acuto filius venit hic per Johannem Wycombe attornatum suum. Et cognovit se tenere, & dictum Johannem de Monte Acuto patrem suum tenuisse de Domino Rege in capite die quo obiit, terras & tenementa subscripta, videlicet, Castrum & Manerium de Werk super Twedam, cum membris & suis pertinentiis in comitatu Northumbriæ, per servitium unius feodi Militis unum ferlingum terræ cum pertinentiis in Worthele in Comitatu Devonæ in focagio, per servitium unius Denarii per annum pro omni servitio. Cognovit etiam idem Johannes de Monte Acuto filius, quod ipse tenet, & quod prædictus Johannes pater suus tenuit, die quo obiit, in servicio de Domino Rege in Capite, tria feoda Militum

cum pertinentiis in Comitatu Herefordiæ, duo feoda Militum cum pertinentiis in Comitatu Somersetæ, & octo feoda Militum & quartam partem unius feodi Militis cum pertinentiis in Comitatu Wiltes[iræ], ut parcella[m] Honoris de Ewyas, per servitium centesimæ partis unius baroniæ, videlicet baroniæ de Ewyas. Qui quidem Honor tenetur de Domino Rege in Capite per baroniam. Et qui quidem Honor est quoddam congregatum de Castro de Ewyas & de diversis aliis Maneriis, videlicet de Maneriis de Ewyas Chelleworth, Alynton & Eton, & de diversis multis aliis feodis & dominiis. Quæ quidem feoda Lodewycus Clyfford Chivaler tenet. Juxta quæ quidem servicia, idem Johannes de Monte Acuto filius profert Regi relevium &c. Protestando, quod si in posterum inveniri contigerit, terras tenementa & feoda prædicta per majus sive per aliud servitium de Domino Rege teneri, se velle onerari versus Regem de relevio suo, pro terris tenementis & feodis prædictis, juxta servitium illud. Et super hoc idem Johannes de Monte Acuto filius dat Domino Regi cxiii s *vd* de relevio suo, pro terris tenementis & feodis prædictis, videlicet *cs* pro prædictis Castro & Manerio de Werk, cum membris & pertinentiis, *id* pro prædicto ferlingo terræ cum pertinentiis in Worthele, & xiiii s *iiii d* pro prædictis feodis in Comitatibus Herefordiæ, Somersetæ & Wiltes[iæ]. Et unde prædictus Johannes de Monte Acuto filius dicit, quod Thomas de la Barre & Malculmus de la Mare tenent de eodem Johanne de Mon-

Chivaler acknowledged before the Barons of the Exchequer, that he held certain lands in *Come Byset* in *Wiltshire*, of the King in chief, by the Service of the Three hundredth part of a Barony, to wit the Barony of *Byset* (m).

In

te Acuto filio, Maneria terras & tenementa sua cum pertinentiis in Ewyas, Harrol, Monyton, Stradhell, & Fokyszate in Comitatu Herefordiæ, per servitium trium feodorum Militum; & quod Petrus Courtenay tenet de eodem Johanne de Monte Acuto filio, Maneria de Poyntyngton & Estchelworth cum pertinentiis in Comitatu Somersæ, per servitium duorum feodorum Militum; & quod Robertus Corbet tenet de eodem Johanne de Monte Acuto filio, Maner[ium] de Upton, & diversa terras & tenementa cum pertinentiis in Esendeme in Comitatu Wiltes[iræ], per servitium trium feodorum Militum & dimidii; & quod Thomas Hungerford tenet de eodem Johanne de Monte Acuto filio, Manerium de Tefunt Ewyas cum pertinentiis in dicto Comitatu Wiltes[iræ], per servitium medietatis & quartæ partis unius feodi Militis; & quod Thomas Russell tenet de eodem Johanne de Monte Acuto filio, Manerium de Roucle cum pertinentiis in eodem Comitatu Wiltes[iræ], per servitium unius feodi Militis; & quod Priorissa de Dertford tenet de eodem Johanne de Monte Acuto filio, Maneria de Norton Bavent & Fyfhyde cum pertinentiis in dicto Comitatu Wiltes[iræ], per servitium trium feodorum Militum. Quæ quidem feoda sunt illa & eadem feoda quæ idem Johannes de Monte Acuto filius tenet ultra de Domino Rege, ut parcellam Honoris de Ewyas, per servitium Centesimæ partis unius baroniæ, videlicet baroniæ de Ewyas, prout idem Johannes de Monte Acuto filius superius recognovit. *Mich. Fines* 18 *Ric.* 2. *Rot.* 6.

(m) Wiltes[ira]. Memorandum quod Walterus Romefeye Chivaler, filius

Elenæ, sororis Isabellæ, matris Hugonis, patris Alianoræ, matris Johannis, filii Johannis Lenueseye Chivaler defuncti, Confang[uius] & hæres ejusdem Johannis filii Johannis, attachiatus fuit essendi hic ad plures dies præteritos, & tandem in crastino S Michaelis hoc termino, ad respondendum Regi de relevio suo, de decem acris terræ cum pertinentiis in Come Byset in Comitatu Wiltes[iræ], quas prædictus Johannes filius Johannis tenuit de Rege in capite, die quo obiit, & pro quibus prædictus Walterus fecit Domino Regi nunc homagium & fidelitatem, xii die Junii anno regno sui tertio, sicut continetur in originali de eodem anno tertio, Rotulo xvº.

Et ad prædictum crastinum S Michaelis, prædictus Walterus Romefeye venit hic per Johannem Wycombe attornatum suum. Et cognovit se tenere, & dictum Johannem filium Johannis tenuisse, supradictas decem acras terræ cum pertinentiis, de Rege in Capite die quo obiit, per servitium trescentesimæ partis unius baroniæ, videlicet baroniæ de Byset; juxta quod servitium offert Regi relevium &c. Protestando, quod si imposterum inveniri contigerit, terram prædictam per majus five per aliud servitium de Domino Rege teneri, se velle onerari versus Regem de relevio suo, pro terra prædicta, juxta servitium illud. Et super hoc idem Walterus dat Domino Regi iiis *vd ob.* de relevio suo, pro terra prædicta cum pertinentiis. Et unde compertum est in Memor[andis] de anno xviiº Regis nunc, inter *Fines* de termino S Hilarii, Rotulo quinto, quod prædictus Walterus Romefeye habet diem ad respondendum Domino Regi de

In the eighteenth year of K *Richard II*, *Robert de Todenham* was impleaded for his *Relief*. He confessed in the Court of Exchequer, That he held of the King *in capite* several Lands in *Ronhale*, by the Service of the Third Part of the Eighteenth Part of a Barony, to wit, of the Barony of *Bedeford*; and likewise certain Rents in *Wotton*, a Court holden at *Bedford* from three weeks to three weeks, and the Third Part of the Advouson of the Church of *Hoghton Conquest*, by the Service of the seventh Part of the third Part of the said Barony and the Manor of *Ereswell* of the King *in capite* as of the *Honor of Boloigne* by the Service of two Knights Fees (*n*).

In

de relevio suo, de prædicta baronia de Byset integra. *Mich. Fines* 18 Ric. 2. Rot. 4. b.

(*n*) Suffolcia. Memorandum quod Robertus de Todenham filius & hæres Johannis de Todenham Militis defuncti, attachiatus fuit effendi hic ad plures dies præteritos, & tandem in crastino S Michaelis hoc termino, ad respondendum Regi de relevio suo, de omnibus terris & tenementis quæ prædictus Johannes pater suus tenuit de Rege in Capite, die quo obiit, in diversis Comitatibus Angliæ, & pro quibus prædictus Robertus fecit Domino Regi nunc homagium & fidelitatem sexto die Novembris anno regni sui xvio, sicut continetur in Originali de eodem anno, Rotulo xxiiii^o.

Et ad prædictum crastinum S Michaelis, prædictus Robertus Todenham venit hic per Jacobum Andrew attornatum suum. Et cognovit se tenere, & dictum Johannem patrem suum tenuisse, de Domino Rege in Capite, die quo obiit, septem Mesuagia, unum toftum, & medietatem unius tofti, cxx acras terræ & sex acras prati cum pertinentiis, in Ronhale in Comitatu Bed[efordia], per servitium terciæ partis xviii^æ partis unius baroniæ, videlicet Baroniæ de Bedefordia, quæ quondam fuit Willielmi de Bello Campo;

Ac etiam xvii solidatas redditus affisi cum pertinentiis in Wotton in dicto Comitatu Bedefordia, in manibus liberrorum tenentium ibidem solvend[as] annuatim, ad festa Nativitatis S Johannis Baptistæ, & S Andrea, per æquales portiones; quandam Curiam de Bedefordia, tenendam apud Bedefordiam de tribus septimanis in tres septimanas, & etiam partem advocationis ecclesiæ de Hoghton Conquest cum pertinentiis in dicto Comitatu Bed[efordia], per servitium septimæ partis terciæ partis de parte Baroniæ prædictæ; Manerium de Ereswell cum pertinentiis in Comitatu Suffolciæ, de Domino Rege in Capite ut de Honore Bononiæ, per servitium duorum feodorum Militum; juxta quæ servicia offert Regi relevium. — Et super hoc idem Robertus de Todenham dat Domino Regi xxiiiiis viii^d ob. de relevio suo, pro prædictis terris & tenementis cum pertinentiis in Ronhale, ut pro terciâ parte xviii^æ partis Baroniæ prædictæ, & xxis ii^d de relevio suo pro prædictis terris, tenementis, redditibus, Curia, & terciâ parte advocationis cum pertinentiis in Wotton, Bedefordia, & Houghton Conquest, ut pro septima parte terciæ partis de parte Baroniæ prædictæ, & x^l pro prædicto Manerio de Ereswell cum pertinentiis. unde sum-

Q ma

In the Seventeenth year of K *Henry VI*, *Ralf Greyftok*, fon and heir of *John de Greyftok* Chivaler, acknowledged in the Court of Exchequer, that the faid *John*, on the day of his death, held of the King *in Capite*, the Manour of *Greyftok* by the Service of one entire Barony, to wit of the Barony of *Grayftok*; the Manour of *Morpath* by the Service of the Moiety of one Barony, to wit of the Barony of *Merlay*; the Manour of *Styfard* by the Service of the Third Part of the Moiety of one Barony, to wit of the Barony of *Bulbek*; the Manour of *Wemme*, with the Advoufon of the Church of *Wemme*, by Homage and Fealty, and by the Service of the Twelfth Part of one entire Barony; and divers other Lands by feveral other Services hereunder fpecified (o).

When a Barony defcended by Parts, the Tenants were faid to Hold the Baronial Lands of the King in chief, by the Service of an Half, a Third, or other affierant Part of a Barony. This appeareth in the Cafes fet-down above in this Section.

A great

ma totalis ——. *Mich. Fines* 18 Ric. 2. Rot. 5.

(o) Ebor. Northumbr. Cumbr. Northampton. Salop. Radulphus Greyftok filius & hæres Johannis de Greyftok Militis was diftreined for Relief.

Ralf came; & cognovit fe modo tenere, & dictum Johannem patrem suum tenuisse de Rege in Capite die quo obiit, Manerium de Grayftok cum membris & pertinentiis suis in Comitatu Cumbr[iæ], per servicium unius Baronie integræ, videlicet Baronie de Grayftok; necnon Manerium de Morpath cum membris & pertinentiis suis in Comitatu Northumbr[iæ], per servicium medietatis unius Baronie, videlicet Baronie de Merlay; ac etiam Manerium de Styford cum membris & pertinentiis suis in dicto Comitatu Northumbriæ, per servicium terciæ partis medietatis unius Baronie, videlicet Baronie de Bulbek, and the Manour of Thornton super Moram in Comitatu Ebor[aci], by the fourth part of a Knight; and divers mesuages and lands in Thyngden in Northamptonshire, by

the twentieth part of a Knight; necnon Manerium de Grymthorp cum suis pertinentiis, ac Manerium de Hylderskelf cum suis pertinentiis, in Comitatu Ebor[aci], de Domino Rege ut de Honore suo Cestriæ, per servicium portandi gladium coram Comite Cestriæ qui pro tempore fuerit, in præsentia sua, videlicet prædictum Manerium de Grymthorp per servicium quadragesimæ partis unius feodi Militis, & prædictum Manerium de Hylderskelfe per servicium quinquagesimæ partis unius feodi Militis, & Manerium de Wemme, una cum advocacione ecclesiæ Apostolorum Petri & Pauli de Wemme, in Comitatu Salop[iæ], de Domino Rege in Capite, per homagium & fidelitatem, & per servicium duodecimæ partis unius Baronie integræ; juxta quæ servicia idem Radulfus Greyftok offert Domino Regi relevium &c. Some Older Rolls are here referred to, which confirm, in the main, Ralfs allegation. *Trin. Fines* 17 Hen. 6. Rot. 2.

A great reason for keeping up the Distinction of the Parts of Baronies, was to ascertain and secure the Kings Reliefs. For when a Barony was divided into Parts; suppose into Four Parts; then, each person answering to the King for his assierant Part, the King would be answered the whole. Whereas if this distinction had not been kept-up, the King might some time or other have lost one or more assierant part or parts, for want of knowing where or of whom to demand the same.

Thus Land-Baronies were divided and subdivided, till at length they were brought to nought.

Manors severed from the Honor of Gloucester.

Sometimes Manors or Lands were granted-away, and by that means severed from an *Honor* to which they belonged.

John Earl of *Moreton*, afterwards King of *England*, by his Charter, granted the Land or Manor of *Bristelton*, belonging to the *Honor* of *Gloucester*, to *John La Warre*, to be holden by *John La Warre* and his heirs, of Earl *John* and his heirs, by the Service of half a Knight (p).

Henry III, towards the latter end of his reign granted several Manors in the Counties of *Southampton* and *Kent*, belonging to the *Honor* of *Gloucester*, to the then Countess of *Gloucester* and her Son *Gilbert de Clare* (q).

In the twenty-eighth year of K *Henry II*, xxxvii for one half year, were allowed, in the *Terræ datæ* of the Honour of *Wallingford*,

(p) *Johannes La Warre*, W de *Faleisia* pro eo, reddit compotum de c marcis & ii Austurcis *Hiberniensibus*, & perdonavit d marcas quas Rex ei debuit dum fuit Comes, pro habenda tota terra de *Bristelton*, quæ est de Honore *Gloucestriæ*, cum pertinentiis suis, salva *Foresta Regis*; Quam terram Rex ei dedit, dum fuit Comes, assensu & Peticione J quondam uxoris suæ, Tenendam ei & hæredibus suis de se & hæredibus suis, per servitium dimidii Militis pro omni servitio, si-

cut Carta Regis rationabiliter testatur. *Mag. Rot. 9 Job. Rot. 21. a tit. Glocestria. Nova Oblata.*

(q) Compotus *Willelmi Bagod* de quibusdam Maneriis honoris *Gloucestriæ*, in Comitatus *Suthamptoniæ* & *Kanciæ*, a decimo octavo die *Julii* anno xlvii, usque ad primum diem *Februarii* Anno xlvii antequam liberaret prædicta Maneria Comitissæ *Gloucestriæ* & *Gilberto de Clare* filio suo. *Mag. Rot. 51 Hen. 3. Rot. ultimo, in dorso.*

lingford, to Geoffrey the Kings Chancellour and younger son, by writ of *Ranulf de Glanville* Chief Justicier (r).

K Will. I. feste the Bishop Worcester.

TENURE by Barony was of the same nature in general with Tenure by Chivalry.

An *Honor* was under the like law and rule with a *Knights Fee* in several particulars; namely, in Tenure, in Homage and Fealty, in Service, in Relief, in Wardship, in Marriage, and the rest.

Till an Heir attained to the age of one and twenty years, which was deemed his Full Age, he was to be in Wardship of his Lord: And Barons in the Kings Wardship.

When the Heir holding in Barony or Chivalry was of Full Age (and not before), he was, by the Custom of *England*, to be made a Knight.

By the Custom of *England*, an Heir could not actually Hold a Barony or Knights Fee, untill he was of the Age of One and twenty years. This is verified in the case of the Heirs of *Robert de Furnell* (s).

For these reasons, a Baron when he came to mature Age, was often

(r) Et in terris datis Galfr[ido] Cancellar[io] fil[io] Regis, xxxvi l de de dimidio anno, per breve Ranulfi de Glanvilla, Et Q^e. *Mag. Rot.* 28 H 2. *Rot.* 9 b. tit. Honor de Warengford.

(s) Simon de Insula reddit compotum de cc marcis & ii palefridis, pro habenda custodia terræ & hæredum Roberti de Furnell, cum omnibus pertinentiis & libertatibus suis, usque prædicti hæredes talis sint ætatis, quod possint & debeant secundum consuetudinem Angliæ terram tenere, & pro habendo Maritagio prædictorum hæredum & Matris eorum; Ita quod si de Primogenito hærede ipsius Roberti humanitus contingat, idem Simon & hæredes sui alios hæredes postnatos ip-

fius Roberti maritare possint, ubi non disparagientur, & pro habenda inde Carta Regis. *Mag. Rot.* 8 Job. *Rot.* 16. b. tit. Cantabr. & Huntend. Nova Oblata.

Eustachius de Moreton debet c libras, pro habenda custodia terræ & hæredis Ranulfi de Merefeia cum pertinentiis, unde saisitus fuit die qua transfretavit in servitium Regis, ut de hæreditate, quousque idem hæres sit talis ætatis quod possit & debeat terram tenere secundum consuetudinem Angliæ; Salvo Regi Maritagio ipsius hæredis. *Mag. Rot.* 8 Job. *Rot.* 8. b. tit. Notingeh. & Derebisc. Robertus de Veteri Ponte & Ricardus de Bello Campo, ut Custodes, reddunt compotum de firma Comitatum.

often styled *Chivaler* (t). His being so styled imported these three things, to wit, that he was arrived to the *ætas legitima* or *ætas tenendi terram*, that he was *extra custodiam Domini*, and that he was *factus Miles*; that is to say, That he was of full Age, that he was out of Wardship, and that he had taken Knighthood.

Why a Baron was styled Chivaler.

(t) *Dugd. Summon, ad Parl. & in aliis libris, passim.*



CHAPTER IV.

Honors in Alphabet Order.

Will here set-down in an Alphabetick Order some of those *Honors* which were vested in the Crown by Escheat or Wardship, in the time of K *Henry I*, K *Henry II*, K *Richard I*, K *John*, and other next succeeding Kings. These I set-down for example-sake. But I do not undertake to enumerate all the *Honors* which were in the hands of the said ancient Kings. The *Honor* of *William Peverell* of *London* was in the hand of K *Henry I*. *William de Tresgoz* accompted to the King for the Ferm of it (u). The *Honor* or Seignurie of *Eudo* the *Dapifer* was in the hand of K *Henry I*; *Hamo de Sancto Claro* rendred to that King an accompt of the Ferm of it (w). *William de Albin Brito* rendred an account to K *Henry I*, of the ferm of the *Honor* of *Otuer Fitz Count* (x), and *Hait* the Sheriff

(u) Willelmus de Tresgoz redd[it] compotum de firma terræ Willelmi Peur[elli] London[iæ]. In thesauro cc & xxvi l & vs.

ET IN Elemosinis constitutis, Monach[is] de Beco, xxx s, Et Monialibus de Sancto Leonardo, iiii s.

ET IN Donis; per breve Regis, Fulcher[edo] fil[i]o Walteri, xis.

ET IN ii vineis de Mealdona faciend[is], & in vestitura & solidat[i]one Vineatoris, lii s.

ET IN liberat[i]onibus famulorum & solidat[orum] eorum per parcos & Maneria, & victu volucrum, xxxiii s.

ET IN refect[i]one domorum & parcorum & Virgult[orum] & Vivari[orum], c. & xv s. Et in Cremento Parci de Becheham, xviii s. Et Quietus est.

ET IN xvi Tonell[is] emendis, &

in conductu usque ad Mealdonam, & de Mealdona ad Lond[oniam], xs. Et pro sale ad saland[am] venationem de Parco, xii d. Mag. Rot. anni incerti Hen. I. Rot. 14. a.

(w) ET Idem Hamo [viz. Hamo de Sancto Claro] redd[it] compotum de firma terræ Eudon[is] Dap[iferi]. In thesauro c & quater xx & x l & iii s.

ET IN Domibus Regis & Parco de Hallingberia reficiend[is], xv l, test[imonio] Willelmi de Wacherlai. Et Quietus est. Mag. Rot. anni incerti Hen. I, Rot. 14. a, in imo.

(x) Willelmus de Albin Brito r c de cc & xl, de firma terræ Otueri filii Comitis. In thesauro cc & ix l & vi s; Et in Corredio & vestitura Præbendariorum, xiiii s. Et Quietus est. Mag. Rot. de anno incerto R Hen. I. Rot. 14. a. m. 1.

rif rendred an accompt for the Ferm of the *Honor* of *Pembroc* (y).

In the reign of K *Henry II*: The several *Honors* or *Baronies* of *Arundel* (z), of *Berdestaple* (a), *Bouloigne* (b), *Chester*, (c), the *Constabulary* (d), *Curci* (e), *Gloucester* (f), *Meschin*

(y) Hait Vice[comes] reddit compotum de firma de Pembroc. *Idem Mag. Rot. Hen. 1. Rot. 14. a.*

(z) *The Honors of Arundel and Puettewurda are in the Kings hands. Mag. Rot. 29 Hen. 2. Rot. 9. b.*

(a) Willelmus de Braiosa debet M marcas argenti pro parte sua de Honore de Berdestapl[a]. *Mag. Rot. 6 Hen. 2. Rot. 7. b. Suthsexa.*

Willelmus de Braiosa debet M marcas, pro parte sua de Honore de Barneftaple. *Mag. Rot. 5 Hen. 2. Rot. 9 a. sub Sudsexa.*

Oliverus de Traci debet D marcas pro parte sua de Honore de Berdestapla. Sed non est inde summonendus, nisi Rex ipse ore suo vel Breui præceperit. Per breve Regis. *Mag. Rot. 14 Hen. 2. Rot. 9. a. Devenescira.*

(b) Honor *Boloniae*. Radulphus Brito r c de quater xx & vi l & xs de terra Comit^{is} *Boloniae* quæ est in manu Regis. *Mag. Rot. 16 Hen. 2. Rot. 8. a.*

Honor Comit^{is} Eustachii. *A Title. Mag. Rot. 31 Hen. 2. Rot. 3. b.*

(c) Terra Comit^{is} *Cestrie*. Simon filius Willelmi reddit compotum de firma terræ Comit^{is} *Cestrie* de dimidio anno; In thesauro cl l & vs & ii d in iiii talliis —. *Mag. Rot. 4 Hen. 2. Rot. 9. b.*

Honor de *Cestre*. Bertrannus de Verd[on] debet cl, de Veteri firma ejusdem Honoris. Idem Bertrannus, Adam de Aldidelea pro eo, reddit compotum de cc & viii l & xs & vii d, de Nova firma ejusdem Honoris; Et de xxi l de Placitis Comitatus de *Cestre* & Hundredi de *Caldea* affirmatis. *Mag. Rot. 33 Hen. 2. Rot. 2 a. m. 2.*

(d) Randulfus de Broc reddit compotum de exitu Honoris Constabulariæ per verum dictum ipsius Rand[ulfi]. In thesauro c & quater xx & xl & xix s & ix d in x Talliis. Sed non reddidit compotum. *Mag. Rot. 17 Hen. 2. Rot. 9. a.*

De Auxilio ad maritandam filiam Regis. Henricus filius Geroldi Cam[erarius] debet xxxv l & vs & viii d de Militibus Eud[onis] Dap[iferi]. Idem debet iiii l xviii s & viii d de Novo F[effamento]. *Mag. Rot. 16 Hen. 2. Rot. 8. a. Effexa & Hurtfordscira.*

(e) Honor Willelmi de Curci. Willelmus la Puhier & Hugo Pincerna reddunt compotum de li l & viii s, de firma Honoris Willelmi de Curci, de parte illa quæ est in manu Regis. Idem reddunt compotum de xii s & viii d, de servitio libere tenentium de eodem Honore. *Mag. Rot. 18 Hen. 2. Rot. 3. b. tit. Norfolch & Sudfolch.*

(f) Honor Comit^{is} *Glocestrie*. Hugo Bardul reddit compotum de li l & xii s & iiii d de Veteri firma ejusdem Honoris. In thesauro liberavit, Et Quietus est. *Mag. Rot. 33 Hen. 2. Rot. 2. a. m. 1.*

Terra Comit^{is} Simonis de Honore de Hunte done & de Gant. *A Title. Mag. Rot. 31 Hen. 2. Rot. 4. b.*

Randulfus de Glanvilla debet li l & xi s, de Veteri firma Honoris de *Lancastria* de anno præterito, de quibus Inquisitio erat facienda.

Radulfus filius Bernardi reddit compotum de cc l, de firma ejusdem Honoris de hoc anno. — Idem [Radulfus] reddit compotum de xlvii s, de Comuni Assisa Comitatus de *Lancastria*.

chin (g), *Montague* (b), *Moreton* (i).

In the reign of K *Henry* II, the Temporalities of the Bishoprick of *Saresbiry* are styled *Honor*, his Barony (k).

Accounts

stra. Mag. Rot. 22. Hen. 2. Rot. 6. b. tit. Lancastra.

Lancastra. Gillebertus Pipard, Petrus frater ejus pro eo, reddit compotum de firma Honoris de Lancastra. *Mag. Rot. 33 Hen. 2. Rot. 2 a. m. 2.*

(g) Nova Placita & Novæ Conventiones de auxilio Matildæ Filiae Regis maritandæ, in Sumerfeta.

Willelmus de Curci reddit compotum de *xi l* de Militibus de Baronia Willelmi Meschin. *Mag. Rot. 14 Hen. 2. Rot. 10. a.*

(b) *HONOR* Ricardi de Monte Acuto. Archidiaconus Pictaviæ reddit compotum de *xx l* de Honore de Monte Acuto de dimidio anno. *Mag. Rot. 13 Hen. 2. Rot. 10. a. Dorseta & Sumerfeta.*

Honor Ricardi de Monte Acuto. Samuel Presbyter de Pilton reddit compotum de *lxxiii l* & *xii s* & *vi d*, de misericordia; In thesauro *lxxii s* & *vi d*; Et in Perdonis, per Breve Regis, ipsi Samueli *xl l*, pro paupertate sua; Quia admensuratus est de misericordia c marcarum, in quam positus fuit per Willelmum filium Johannis, per *xl* marcas, per sacramentum Vicinorum fuorum; Et debet *xx l*. *Mag. Rot. 14 Hen. 2. Rot. 10. a. Dorseta & Sumerfeta.*

Ricardus Arch[idiaconus] Pict[aviæ] r c de *iiii l* de Veteri firma Honoris de Monte Acuto. *Mag. Rot. 16 Hen. 2. Rot. 8. b. Dorseta & Sumerfeta.*

Galfridus Martel reddit compotum de *iiii l* & *vs*, de *vi* Militibus de Feodo de Monte Acuto, & de dimidio Milite de alio feodo. — Idem debet *xxs* de Veteri Feffamento. Sed calumpniatur quod debet esse inde quietus per servitium Pincernariæ. *Mag. Rot. 18*

Hen. 2. Rot. 6. a. tit. Dorseta & Sumerfeta.

(i) Robertus de Bello Campo r c de *viii l* & *xx d* pro *xvii* Militibus, scilicet de unoquoque Milite *viii s* & *iiii d* de feod[o] Com[itis] de Moret[onia]. In thesauro liberavit, Et Quietus est. *Mag. Rot. 14 Hen. 2. Rot. 10. a. Dorseta & Sumerfeta.*

(k) *Hist. Excheq. p 441, col. 1 q.* Devenescira. De Auxilio Matildæ Filiae Regis.

Rogerus de Nonant debet *xxxviii l* & *iiii s* & *xd*, de Veteri Feffamento Militum de Honore de Toteneis. Idem debet *xii l* & *xvs* & *id* de Militibus ejusdem Honoris de novo Feffamento. *Mag. Rot. 14 Hen. 2. Rot. 9. a.*

De Auxilio ad maritandam filiam Regis. Rogerus de Nonant debet *xxxviii l* & *iiii s* & *xd* de Veteri feff[amento] Militum de Honore de Toteneis. Idem debet *xii l* & *xvs* & *id* de Novo F[effamento]. *Mag. Rot. 16 Hen. 2. Rot. 7. a. Devenescira.*

Norfolch & Sutfolch. Nova Placita & novæ Conventiones de Auxilio Matildis filiae Regis.

Reginaldus de Warennæ reddit compotum de *ix l* & *xs*, de Militibus Honoris de Wurmegai. In thesauro liberavit & Quietus est. Idem debet *xl d* de Novo Feffamento. *Mag. Rot. 14 Hen. 2. Rot. 1. b.*

Terra Willelmi de Curci. Willelmus Ruffus reddit compotum de *lx l* —, de firmis quinque Maneriorum ejusdem Honoris, de tribus partibus anni antequam Rex redderet eam Roberto de Curci. *Mag. Rot. 1. Ric. 1. Rot. 1. a.*

Terra quæ fuit Henrici de Effexa. Henricus de Cornhill reddit compotum de

Honors,
Tempore
Ric. I. Joh.
& Hen. III.

Accounts of Issues of Honors.

AN *Honor*, like as a single Manor holden in Chivalry, consisted in Demeanes and in Services: That is, it consisted in issues and profits of the lands belonging to the *Honor*, and in the

Services

de cc & iiiil & vs, de firma ejusdem Honoris. *Mag. Rot. 1 Ric. 1 Rot. 1. b.*

Honor de Arundel & de Pedewurda. Walterus Rothomag[ensis] Archiepiscopus reddit compotum de *so much*, de veteri firma Honor[um] de Arundel & de Pedewurda. *Mag. Rot. 1 Ric. 1. Rot. 1. a.*

Leonia de Stutevill debet ii marcas & dimidiam, de Scutagio suo de parte sua Honoris de Brunna. *Mag. Rot. 7. Ric. 1. Rot. 9. Cant. & Hunt.*

Lancastra. Theobaldus Walteri, Robertus Vavafur pro eo, reddit compotum de ccl, de firma Honoris de Lancastra. *Mag. Rot. 9 Ric. 1. Rot. 13. b. m. 2.*

Idem Vicecomes r c de xixl & dimidia marca de xiiii feodis & dimidio & quarta parte de Honore Henrici de Tilli. Et Milites subscripti qui sunt de eodem Honore inde reddiderunt, sicut supra annotatur, scilicet Henricus Bloio i marcam de dimidio feodo —. *Mag. Rot. 7 Job. Rot. 2. b. Devenescira.*

Radulfus Musard debet cl pro se maritando ubi voluerit, & pro fine terræ suæ. Sed consideratione Baronum relaxatæ sunt ei c marcæ, quia major pars terræ suæ est in terra Comitum Moritonæ, cum quo finivit. *Mag. Rot. 3 Ric. 1. Rot. 8. a. tit. Glocestrescira.*

De Scutagio Galweia, de Honore Comitum Glocestria, unde Hugo Bardolf, qui habuit custodiam ejusdem Honoris per Regem, remansit in debito in Rotulo de Glocestrescira xxxiii Anni regni Regis Henrici secundi;

Per Rotulum quem idem Hugo liberavit in thesauro. *Mag. Rot. 4 Ric. 1. Rot. 10. b. tit. Glocestrescira.*

Willelmus Comes de Arundell debet ccc & Lixl & xiiii s & iiiid, pro habendo Honore de Arundell, excepto Castello & Villa de Arundell & Molendinis, & Honore de Pedewurda. *Mag. Rot. 6 Ric. 1. Rot. 16 a. Sudsex.*

Honor de Bentone. *This is a Title in the Roll. Mag. Rot. 7 Ric. 1. Rot. 5 a.*

Honor de Baentone. *Mag. Rot. 7 Ric. 1. Rot. 10 a. post Devenesciram. Et, Mag. Rot. 8 Ric. 1 Rot. 14. a.*

Willemus Briewerre debet xxvis & viiid de firma de Huia, quæ fuit Rogeri de Planes, de anno viiiº —. Set recordatum est per Barones, quod terra illa de Huia pertinet ad Baroniam de Doura, cujus custodiam cum pertinentiis & hærede Rex ei concessit. Et ideo consideratum est, quod non debet amplius inde summoneri. *Mag. Rot. 10 Ric. 1. Rot. 14. a. tit. Kent.*

Ricardus de Estre reddit compotum de xvl, pro relevio suo de tribus feodis Militum, quæ tenet de Honore Moretoniæ. *Mag. Rot. 10 Ric. 1. Rot. 15. a tit. Dorsete & Sumerfete.*

Compotus Terrarum Comitissæ de Pertico, & Episcopatus Lincolliæ, & Archiepiscopatus Eborac[i], & terrarum Constabularii Cestria & Roberti de Turneham, Abbatia de Rameseia, & Honoris de Angria, & Hoiland, & Abbatia de Whitebi —. *Mag. Rot. 14 Job. Rot. 1. a & b.*

Gerardus de Furnivall debet cccc marcas, ut Rex capiat homagium G filii

S

fui

Services of the Shield. The Services of the Shield were to be performed in the Field of War; so, no account could be rendred of them in the Kings Exchequer, upon the chequered-cloth there.

But

fui de Baronia quæ fuit Willelmi de Luvetot, & ut teneat in pace terras suas quas modo tenet, & terram unde pater uxoris suæ fuit faifitus, die qua fuit vivus & mortuus. *Mag. Rot. 3 Job. Rot. 12. b. tit.* Everwichscira.

Honor de Glamorgan. Idem [i. e. Falkes de Breaute] reddit compotum de v marcis de Hereberto de S Quintino, pro convincendis xii per xxiiii de Affisa Novæ Diffaisinæ aramiatæ inter ipsum Herebertum & Stephanum de Sancto Hylario. *Mag. Rot. 9 Job. Rot. 21. b.*

Honor de Glamorgan. Idem [Falkes de Breaute] reddit compotum de c marcis & i Palefrido de Monachis de Neth, pro habenda castellaria quæ fuit Ricardi de Greinvill cum omnibus pertinentiis suis, & pro habenda tota terra quam idem Ricardus habuit inter Tawi & Neth, Salvis tenementis Burgenfium Regis. *Mag. Rot. 9 Job. Rot. 21. b.*

Petronilla Comitiffa Leircestriæ debet MMM marcas, pro habendo Leircestriam cum pertinentiis, cum feodis & Dominiis omnibus, quæ pertinent ad Honorem de Grantemeifnill infra Comitatum & extra, ficut jus suum & hæreditatem, ita quod Regi remaneant omnes terræ Normannorum, quæ sunt de eodem feodo, & quod Domus de Witewich committatur cui Rex voluerit, qui [de] fideliter Regi serviendo obfides dabit, & prædicta Comitiffa omnia prædicta quæ Rex ei reddidit, tenebit, nisi per Judicium Curiae Regis diffaifietur. *Mag. Rot. 6 Job. Rot. 17. b.* post Kent.

Alexander de Lifewis r c de ix marcis, de Scutagio & de fine ii Militum & dimidii & passagio: In Thesauro nichil; Et G filio Petri ii marcas per prædictum breve; Et debet vii mar-

cas. Sed postea admenfuratus fuit ad iiii marcas; quia est in Terra Jerosolimæ; & ita non debet nisi ii marcas *Mag. Rot. 4. Job. Rot. 7. b. tit.* Fines Militum de Honore de Dunstor.

Willelmus de Faleisia reddit compotum of divers Rents &c and other things. *Mag. Rot. 8 Job. Rot. 2. b. titulo,* Compotus Honoris Glocestriæ.

Hugo Bardolf pro militibus & libere Tenentibus de Honore Willelmi Peverell, qui est in manu Regis & in custodia ipsius Hugonis, debent xl marcas, ne Vicecomites, in quorum Ballivis prædictus Honor fuerit, in aliquo se intromittant de Honore illo. *Mag. Rot. 5 Job. Rot. 13. b. tit.* Notingham & Derebiscira.

Robertus de Hastings debet xx marcas, per sic quod xii legales Milites de Rappo de Hastings summoneantur, quod sint coram Justiciariis Regis apud Westmonasterium, ad recognoscendum utrum prædictus Robertus vel Simon de Ecchingham majus jus habeat in Senescalcia de Honore Comitum Augi in Rappo de Hastings. *Mag. Rot. 9 Job. Rot. 4. b. tit.* Nova Oblata.

Surr[eia], Sufflex[ia]. Præcepta facta super compotum Ricardi de Pevensey Vicecomitis, redditum ad Scaccarium in Craftino Sanctæ Trinitatis.

Facta Summa Vicecomitis, debet — xxl pro secta v Militum de Honore de Hastinge, qui est in manu Johannis de Britannia, & quæ secta solebat pertinere ad turnum Vicecomitis, & nunc subtrahita est per ipsum Johannem, per cartam Regis, quam inde habet ut dicit, videlicet per quinque annos. Et debet vi l iiii s viii d. *Memo-randa 13 & 14 Edw. 1. Rot. 31. a, inter Præcepta.*

De primo Scutagio Regis H tercii affiso

But for the issues and profits of the lands men might and did account to the Crown. However, it is to be understood, that if the Knights of an *Honor* did not do actual Service; Then, when they

affiso ad ii marcas. Gillebertus de Aquila [debet] xliii marcas & xs de xxxv feodis de feod[is] Morit[oniæ]. *Mag. Rot. 2 Hen. 3. Rot. 3. a. Sudsexia.*

De primo Scutagio Regis H tercii affiso ad ii marcas. Comes Warennæ [debet] c & xx marcas de lx feodis de Baronia sua. *Mag. Rot. 2 Hen. 3. Rot. 3. a. Sudsexia.*

Compotus de exitibus honoris de Aquila —. *Memoranda 28 Hen. 3. Rot. 3. a. —. This Honor was granted Petro de Sabaudia. Ib. Rot. 4. b. a.*

Milites honoris Comitis Leycestriæ debent de auxilio Vicecomitis, *lv l. Memoranda 11 Hen. 3. Rot. 7. a. tit. War. Leyc.*

— & tenet de Honore Gileberti de Aquila —. *Trin. Communia 14 Hen. 3. Rot. 8. b. Northamt[esire].*

Lancastr[ia]. Ada de Yelland ut Custos reddit compotum de c & lxxiii l & vii s & iiii d & obolo numero, de firma Honoris de Lancastr[ia] —. *Mag. Rot. 13 Hen. 3. Rot. [non numerato] m. 1. a.*

Effex[ia]. Memorandum de honore de Redlega in Comitatu Suff[olciæ]. *Memoranda 28 Hen. 3. Rot. 14. a.*

Hugo Bussel debet cccc marcas in misericordia Regis, ut warantizet illi defaltam illam per quam perdidit faifinam de terra sua de Honore de Pelwrdham, & ut faciat ei habere inde faifinam suam quam perdidit per prædictam defaltam. *Mag. Rot. 4 Job. Rot. 12. a. tit. Lancastria.*

Walterus filius Roberti qui tenet de Honore Pontis fracti —. *Paf. Communia 32 Hen. 3. Rot. 6. b.*

Pro Ballivo de Honore de Hawenette. *Trin. Communia 32 Hen. 3. Rot. 9. a. Kancia, Cantebr.*

Baronibus pro Ricardo de Puncharden.

— Et quam [terram] R Comes Cornubiæ, cui Rex dedit honorem Sancti Walerici —. *Memoranda 28 Hen. 3. Rot. 6. a.*

Milites & libere tenentes de Honore de Bramble reddunt compotum de c l & i bono Palefrido, pro libertatibus suis habendis, quas habuerunt temporibus Dominorum suorum, secundum consuetudinem eorum antiquam; Salvo hoc, quod quietum clamant venari in Warennæ Regis, quamdiu Honor ille fuerit in manu Regis; & pro habenda inde Carta Regis. *Mag. Rot. 11 Job. Rot. 1. a. tit. Sudsexia.*

Oliverus de Traci debet m marcas, pro habenda Baronia Willelmi de Traci, quæ valet in Anglia c l sterlingorum, & in Normannia cc l Andegavenfium, Salvo jure & clamio cujuslibet in ea. Sed non debent requiri a prædicto Olivero, quia terras illas non habet, & pro quibus Henricus de Traci finem fecit sicut infra continetur. *Mag. Rot. 1 Job. Rot. 14 b. tit. Devenescira.*

Henricus Comes Herefordiæ debet l marcas & i Palefridum, præter l marcas & i Austurcum prius promissos, pro habenda tali faifina de Feodo xx Militum in Honore de Huntendon, qualis tempore H Regis Patris Regis Matri suæ, cujus hæres ipse Henricus est, in Curia Regis adjudicata fuit, & pro habenda tali faifina de Rihale cum pertinentiis, qualis eidem Matri suæ similiter adjudicata fuit in Curia Regis tempore Ricardi Regis; Ita quod per totum dat c marcas & i Palefridum & i Austurcum]. *Mag. Rot. 6 Job. Rot. 19. b. tit. Wiltescira.*

Honores Boloniæ commissi sunt Willelmo & seq.

Honores,
Temp. Edw.
1. Edw. 2
& Edw. 3.
& seq.

they had made Fine to the King for their Service, or answered to the King's Escuage-money in lieu of personal Service, then, I say, the King's Fermer or *Custos* of the *Honor*, might and did render an Account of such Fines or Escuages in the Kings Exchequer.

I will set-down a few instances of the manner of Accounting to the King for *Honors* that were in his hand; and likewise of Bishopricks and Abbeyes; which were of the nature of *Honors*; inasmuch as the latter also were often in the Kings hand, by way of Custody or *Jure prærogativo*.

In the reign of K Henry II, Geofrey de Ver made a *View* of an *Accompt* of the *Honor* of the *Constabulary*. There were put in *View* ccc and xlv l per annum, for the issues of that *Honor* (l).

Willelmo de Roding —. *Mich. Communia* 9 & 10 Edw. 1. *Rot.* 2. a.

— Ut de Honore Dovorriæ. *Mich. Communia* 33 Edw. 1. *Rot.* 8. tit. Norf. Pro Johanne de Thorpe.

Essexia. Affidatio. — de Honore de Reymes —. *Pas. Communia* 18 Edw. 1. *Rot.* a. Pars 1.

Comes Ricardus frater Regis [*that is of K Henry III*] had lately Honorem de Eye. *Mag. Rot.* 18 Edw. 1. tit. Norf. Suff. m. 1. a.

De Castro Villa & Honore Hertfordiæ cum membris commissis Willelmo Melksopp per quinquennium. *Mich. Communia* 26 & 27 Edw. 1. *Rot.* 46. b. inter Commissiones.

Lands and tenements holden ut de Honore de Hauleye. *Mich. Memoranda* 33 Edw. 1. *Rot.* 8.

— de Honor[e] de Walebrok & Arkesden in manu Regis existent[e] —. *Mich. Communia* 34 & 35 Edw. 1. *Rot.* 16. a. Lincoln.

Derb[ia]. De Castro & Honore de Alto Pecco commissis [Clementi de la Forde]. *Mich. Communia* 1 Edw. 2. *Rot.* 3. a.

Glouc[estria]. Johannes de Wysham firmarius Castri & Honoris de Sancto Brianello ponit loco suo Johannem de Annelle —. *Hil. Communia* 5 Edw. 2. *Rot.* 36. a. inter Præsentationes.

In

— Castrum & Honorem de Alto Pecco in Comitatu Derbiæ. *Pas. Brevia* 5 Edw. 2. *Rot.* 42.

Essex. Hertf. De Honoribus Peverelli, Bononiæ, Raleigh, & Haghenet &c. [in Comitatibus Essexiæ & Hertfordiæ], Norfolciæ, Suffolciæ, Cantabrigiæ, Huntendonæ, Kanciæ, Surreiæ, Suffexiæ, & Bedefordiæ] commissis [Willelmo de Sutton quamdiu Regi placuerit]. *Hil. Commissiones* 9 Edw. 2. *Rot.* 5. a.

De Antonio de Lucy. *The King grants to him* honorem de Cocker-mouth & Manerium de Pappecastre. *Trin. Memoranda* 2 Edw. 3. *Rot.* —.

Castrum & Honor de Knareburgh. *Rot. de Adventu Vicecomitum* &c. in crastino S Mich. anno 5 Edw. 2 Ebor.

Castrum & Honor de Knareburgh. *Rot. de Adventu Vicecomitum* &c. in crastino S Mich. anno 4 Edw. 3. Ebor.

Devon[ia]. — quod Ricardus Hill tenuit — certain Lands die quo obiit, de Thoma Courtenay nuper Comite Devonæ, ut de Honore suo de Plympton Comitis in eodem Comitatu, per servicium militare —. *Trin. Communia* 7 Edw. 4. *Rot.* 22.

Vide Hist. Exch. p. 307. col. 1. f.

(l) *Hist. Exch. p. 646. s. t. sub annis 15 & 16 H 2.*

In the thirteenth year of K Henry II, *William de Vesci* rendred to the King an Accompt of Honour of *Lancaster* (m).

Honor Comitis Giffardi.

THE *Honor* commonly called *Earl Giffards* might be perchance the *Honor* of *Buckingham*. For the *Giffards* were Earls of *Buckingham* (n). However, it was best known by the name of *Honor Comitis Giffardi*, the *Honor* of *Earl Giffard*.

In the Fourteenth year of K Henry II, *Geofrey Fitzwilliam* accompted to the King for the *Honor* of *Earl Giffard*; to wit, for the Ferm of the *Honor*, the Ferm of *Wycumb*, the Old and New increment of *Winchendon*, an Escheat in *Creindon*, the *Aid* of the Knights of the *Honor*, both of the Old Fesment and the New, to marry the Kings Daughter. The usual and just Allowances are made to the Accomptant (o).

(m) LANCASTRA.

Willelmus de Vesci reddit compotum de ccl de Honore de Lancastra. In thesauro c & quater xx & xiiii l, & xiiis & iiii d.

Et Johanni Maleducto & Willelmo filio Martini c & vis & viii d per breve Comitiss Legrecestriae, quando fuerunt ad Lancastram in Servizio Regis. Mag. Rot. 13 Hen. 2. Rot. 5. b.

(n) Gualterius Giffardus Comes Buchingeham in Anglia mortuus est—. Order. Vit. p. 809. c. ad. Ann. Dom. 1102.

(o) I have here set-down all that is contained, relating to Buckinghamshire, in this Great Roll of the Fourteenth year of K Henry II. because in this Fourteenth year the Aid to marry King Henry the Seconds Daughter Maud to the Duke of Saxony, was first put in charge in the Great Roll, not onely in the County of Buckingham, but likewise in all the other Counties of England. The Record runneth thus.

Buchingehamscira & Bedefordscira.

Hugo de la Lega & Ricardus filius

In

Osberti reddunt compotum de xlix s & vi d numero, de Veteri firma de Buchingehamscira & de Bedefordscira; In thesauro liberavit, Et Quietus est.

Et idem de Nova firma; In thesauro c & lxxiiii l & viii s & ii d Bl. Et quater xx & xv l & viii s & iiii d numero —.

Nova Placita & Novae Conventiones ad maritandam filiam Regis. De Buchingehamscira.

Willelmus de Windlesores reddit compotum de xii l & ii s & ii d de eodem auxilio pro Militibus; In thesauro xl & xiiis & iiii d; Et debet xxviii s & x d.

Willelmus Maldait Camerarius debet xxiiis & iiii d, de Veteri feffamento; Et de Novo xxvi s & viii d.

Reginaldus de Curtenai debet vi l & xiiis & iiii d de Militibus Walteri de Bolebec qui est in Custodia ejus, de illis videlicet Militibus quos tenet in Capite de Rege.

Willelmus de Serinton reddit compotum de xxvi s & viii d, pro Militibus; In thesauro liberavit, Et Quietus est.

T Gillebertus

In the six and twentieth year of K *Henry II*, *William Fitz-Ralf* and *William le Chapleyn*, for the Wife of *Geofrey Fitz-William* account to the King for the *Honor* of Earl *Giffard*. They account for the Ferm of the *Honor*, the increment of *Wichinton*, the Aid to marry the Lady *Maud*, the King's Daughter, the Es- cuage of *Ireland*, the increment of *Bodekesham*, the Service of the Land of *William Cat* (p).

In

Gillebertus de Bolebec reddit com-
potum de i marca pro Milite; In th l,
Et Q e.

Ricardus filius Nigelli r c de xx s
pro Mil[itibus]; In th l, Et Q e.

Hugo de Cahaigis r c de viii s &
x d pro ii partibus Militis; In th l, Et
Q e.

Hamo filius Mainfelini r c de xl
de Militibus; In thesauro ix l & xiiis
& iii d, Et debet vis & viii d.

Gillebertus de Pinkeinni r c de ix l,
pro Militibus suis. Modo respondet in
Northantescira; In th l, Et Q e.

Idem Vicecomites reddunt compo-
tum de xxv s de feodis Militum quos
Osebertus Martel feffavit in Edulfes-
berge; In Thesauro liberaverunt, Et
Quieti sunt.

Idem Vicecomites r c de i marca de
Chettendun de Honore de Bealueeir;
In thesauro xii s, Et in perdonis, per
breve Regis Militibus de Templo, xvi d,
Et Quieti sunt.

Johannes de Bydun reddit Compo-
tum de lxxiii s; & iii d, pro Militibus;
In thesauro l, & Q e.

Honor Comitis Giffardi:

Gaufridus filius Willelmi reddit com-
potum de ccc & xxiiii l & xv s & iii d,
de firma terræ Comitis Giffardi; in
Thesauro cc & lxii l & xiiis & viii d:

Et in terris datis Ricardo de Humet,
liiii l in Risenberga & in Schiringeham
pro lx libratibus terræ per breve Regis;
Et debet viii l & viii d; De quibus lx s
remanent super Canonicos de Creindon,
& de iii annis præteritis tantum lx s.

Idem r c de ls de Veteri Cremento

de Wichendon; In th l, Et Q e.

Idem r c de cs de Cremento hujus
anni; In th l, & Q e.

Idem r c de ix s & iii d de Escaeta
de Creindona; In th l, Et Q e.

Reginaldus Bretel r c de xxx mar-
cis, de Misericordia, quia abstulit Cle-
rico pecuniam suam; In thesauro x
marcas, Et debet xx marcas.

Idem debet lvii l & vis & viii d, de
auxilio Militum ejusdem Honoris, de
Veteri feffamento, ad maritandam fi-
liam Regis. Idem debet xx s de Novo
feffamento.

Wycumba.

Henricus filius Geroldi camerarius
reddit compotum de lxxii l numero,
de firma de Wycumba; in thesauro
lxx l & viii s & viii d numero; Et in
Decimis constitutis Monachis de Becco
xviii s; Et Ecclesiæ ejusdem Villæ, xiiis
& iii d; Et quietus est. *Mag. Rot. 14
Hen. 2. Rot. 1. in dorso.*

(p) HONOR COMITIS GIFFARDI.
Willelmus filius Radulfi & Willelmus
Capellanus reddunt compotum, pro
uxore Galfridi filii Willelmi, de ccc
& xxiiii l & xv s & iii d de firm[a] e-
jusdem Honoris. In thesauro, cc &
xxiii l & xv s & iii d.

Et in terris datis Willelmo de Hu-
mez Const[abulario], liiii l in Risenber-
ga & in Schireham per breve Regis;
Et eidem xl l in Wichinton & Wad-
don Et Canon[icis] de Croenden lx s.

Et in Quiet[antia] de Middelton,
quam Willelmus de Gernem[utha] te-
nuit per Regem, iii l; Et Quietus est.

Id[em] redd[unt] compotum de cs,
de

In the Six and twentieth year of the same King, *Walter de Constantiis* rendred to the King an Account of the *Honor of Arundel*; to wit, of the Firms of the Manors of this *Honor*, which were left at ferm by the Justicier, of Perquisites of Manors which were not in ferm this year, of the issues of the Land of *Robert de Praieres*, the ferm of *Presteton*, the issues of Masages in the Burough of *Arundel*; the Issues of the *Honor of Petewurde* this year. Divers Disbursements are allowed upon the Account rendred for each of these *Honors* (q).

In

de Cremento de Wichinton. In thesauro liberavit, Et Quietus est.

Id[em] deb[ent] xiiis & iiii d de auxilio ad marit[andam] fil[iam] Regis. Id[em] deb[ent] xvi s, de novo ff[effamento], de quibus vi s & viii d remanent super quandam fœminam de Norf[olcia], & ix s & iiii d non possunt inveniri.

Id[em] deb[ent] xxx s, de Scut[agio] Hybernæ.

Id[em] redd[unt] compotum de xviii s, de Cremento de Bodekesham. In thesauro liberavit, Et Quietus est.

Id[em] redd[unt] compotum de ii s, de servitio terræ Willemi Cat. In thesauro liberav[erunt], Et Quietus est. *Mag. Rot. 26 Hen. 2. Rot. 3. b. In this Great Roll, the Plural words reddunt compotum, and the Singular Quietus est &c. are mixed together as here.*

(q) HONOR DE ARUNDEL. Walterus de Constanciis reddit compotum de xli l & xiiis & i d, de firmis Maneriorum Honoris de Arund[el], quæ missa fuerunt ad firmam per Justic[iarium]; Et de c & xii l & xviii s & iiii d, de firmis & perquisitionibus Maneriorum, quæ non fuerunt ad firmam hoc anno. Summa, c & liiii l & xii s & v d. In thesauro lxvii l & xiiis & ii d.

Et in operat[ionibus] Castri de Arund[el], ix l & xix s & v d, per bre-

ve Regis, & per visum Reginaldi Belhome & Ailwin[i] Wadup. Et Galfr[ido] Austurcar[ius], c s, quos habet annuatim pro terra sua de Depemers, per breve Regis.

Et in perficiendo Instaur[amentum] Maneriorum ejusdem Honoris, lxxii l & viis & viii d, per breve Regis, quod habuit de c & xiii l & viii d sibi computandis, pro Instaur[amento] Honoris de Arundel & Honoris de Petturde. Et habet de superplusagio, viis & x d.

Id[em] debet xii l & iis, de veteri firma ejusdem Honoris de tribus annis præteritis, qui remanserunt super liberat[iones] quas dic[it] esse constitutas, de quibus Rex nondum velle suum præcepit.

Id[em] reddit compotum de ix l & iiii s, de exitu terræ Roberti de Praieres de tribus Partibus anni, Et de iiii l & xii s, de firma de Presteton, terra Hunfridi de Millieres, Et de x s & vii d, de Masagiis in Burgo de Arundel Summa, xliiii l & vis & vii d. In thesauro liberavit. Et Quietus est.

Id[em] reddit compotum de li l & viis & iiii d, de exitu Honoris de Putewurda hoc anno. In thesauro nichil. Et ad perficiendum Instaur[amentum] ejusdem Honoris, xl l & xiiis per prædictum breve Regis. Et in Custamento agriculturæ ejusdem Honoris, x l & vis & viii d, per breve Regis, & per visum

In the twentyninth year of K *Henry II*, *Randulf de Glanvill* rendred an Account to the King, of the *Honor* of *Conan* Earl of *Bretagne* and *Richemunt*. He accounted for the Ferm of the several Manours of That *Honor*, and for the Service of the *Drenges*, and for the Third peny of *Gippeswiz*. Then he hath certain Allowances made to him for constituted Alms, and constituted or settled Tithes, and for other disbursements made by the Kings command, and in His Service (*r*).

In the Nine and twentieth year of K *Henry II*, *Gilbert Pipard* yielded an Account at the Exchequer, for the *Honor* of the Earl of *Chester*; which is here intituled *Cestrescira*. He is charged with the Ferns of the Manors of this Honor. He hath divers *I-tems*, such as Constituted Alms, and other Expences discounted and allowed to him. Upon liquidation of the several Summs of Charge

visum Willelmi de Ellesteda & Willelmi de Alta Ripa.

Et in suo superplusagio de firm[a] Honoris de Arundel, viii s & x d. Et Quietus est.

Godefr[ides] de Calz deb[et] xxv marcas, pro relevio terræ suæ. *Mag. Rot. 26 Hen. 2. Rot. 2. b.*

(*r*) Honor Comitum Conani. Randulfus de Glanvilla r c de cccc & xxxiii l & xvii s & iii d. de firma Maneriorum ejusdem Honoris, & servitio Drengorum, & tertio denario de Gippeswiz; In Thesauro cc & lvii l & vi s vii d.

Et in Elemosyna constituta, Infirmis Hospitalis de Richemunt xs, Et Monialibus de Richemunt iiis, Et in Decim[is] constitutis Monachis de Begar lxvi s, pro Decim[is] Carruc[arum] Dominii, & Monachis de Ebor[aco] xx s, pro Decimis Molend[inorum] de Richemunt, Et Galfrido Elyensi Episcopo cs, de feodo suo in tertio denario de Gipeswic, Et Alano de Roham xx l, in Suaveshyda, & Comitissæ Britannæ xxviii l & vi s & viii d, in Muleton & in Forseta de Dote sua, Et Galfrido filio Regis, xliiii l,

in Cestrehunte, Et in defalta ii Monetariorum de Gipeswico xls;

Et in custamento ducendi xxv l caretat[as] Plumbi a Jarun usque Stradford juxta Lond[oniam], ad operationem de Waltham, xlvii s, per breve Regis, Et in reparatione Castelli de Richemunt, xxxi l & xii s & iii d, per idem breve, & per Visum Osberti & Alani & Petri filii Ailrici & Willelmi Tinctoris——; and in other expences; Et Q e. *Mag. Rot. 29 Hen. 2. Rot. 5. b.*

Idem Randulfus r c de lv l & xvi s & viii d, de firma de Waltham cum pertinentiis, terra Alani filii Com[itis] Henr[ici] de dimidio anno.

Idem Randulfus r c de xl l, de Auxilio ejusdem terræ; In th l, Et Q e.

Idem Randulfus r c de lxvi s, de perquisit[ionibus] ejusdem terræ; In th l, Et Q e. *Ibid. juxt.*

Idem Randulfus r c de xxv l & xix s & vii d, de exitu terræ Comitissæ Margar[etæ].

Idem Randulfus r c de vii l & xiii s & ix d, de perquisitionibus Honoris de Richemunt; In th l, Et Q e. *Ib. juxt.*

Charge and Discharge, he is in Surplufage or Overpayment vis (s).

In the Thirtieth year of K *Henry II*, *Henry de Cornhill* Farmer of the *Honor* of Earl *Eustace* of *Bouloigne*, accounted to the Crown for the New ferm [that is, the Ferm of the present year] of that *Honour*. The Accountant paid part of his Charge into the Receipt of Exchequer; and had several Allowances made to him, for monies laid-out in the Kings service. The Allowances are memorable enough to be specified here. They were these. For Twelve tonells of Wine bought for the Kings use, against the arrival of the Archbishop of *Cologne* and the Earl of *Flanders*, xxii l xiii s iiiii d; For carrying the same Wine from *London* to *Canterbury* and *Dovor*, xxvi s viii d; For six tonells of Household Wine and Two other tonells of Good Wine sent to *Windresore*, xl xiii s iiiii d; For carrying the same Wine from *London* to *Windresore*, xs; For eight tonells of Wine for the Kings own Drinking, whereof Two were sent to *Gaitinton*, Two to *Selveston*, and Four to *Rading*, xii l; For carriage of it from *London* to the said places, xx s; For the Corrody or Maintenance of the Duke of *Saxonies* younger son, from *London* to *Winchester*, iiiii l xviii s; and for clothes for the use of *William de Elintons* Daughter, who is in the Kings Wardship,

(s) Cestrescira. Gillebertus Pipard reddit compotum de cc & lv l & xiii s & viii d, de firma Maneriorum Honoris Com[itis] Cestrie hoc anno. In thesauro c & xiiii l & xix s & xi d. Et in Elemosina constituta Monachis de Bafsignewerc cs, Et Monachis de Cestr[ia] xiiii l Et Monachis de Cumbremar[e] xls, Et Monialibus Cestrie xls, Et Infirm[is] Cestrie xxs, Et in minutis decimis per Maneria Comitatus vs, Et Adæ de Torkinton iiiis, pro custodia Avium Regis in foresta, Et ipsi Gilleberto cl, pro custodia Castri de Cestria, per breve Regis, Et in Operat[ionibus] Castri de Cestria, vii l & xv s & v d, per breve Regis, & per visum Hervei Cam[erarii] & Laurentii Monetar[um], Et in operat[ionibus] pontis Cestrie lxxiii s & iiiii d, per breve Re-

gis, & per visum prædictorum, Et pro justitia facienda de v Raptoribus vs, Et ad perficiendum instaur[amentum] de Lec, pro xxxii vacc[is], iiiii l & xv s, per breve Regis. Et habet de superpl[usagio] vis.

Idem reddit compotum de lxs, de Veteri firma Comitatus. In Operat[ionibus] Castri de Cestr[ia] lxs, per breve Regis, & per visum Hervei & Lauren[tii] prædictorum. Et quietus est.

Idem reddit compotum de xix l & xiii s de exitu de Makelesfeld, quæ non est ad firmam nominatam. In thesauro liberavit. Et quietus est.

Idem reddit compotum de xxs de Caldeihundr[edo], Et de xix s de Andrelton quæ fuit Becci, Et de xxs de Aneston, quæ fuit terra Tuoldi, Sum-

Wardship, for the present year and two years past, *xv l xviii s*. The Accomptant hath Surplufage, *lxxix s iii d (t)*.

In the Thirtieth year of K *Henry II*, *Adam de Carduis* rendred an Account at the Exchequer, of the *Land* or *Honor* of *William de Vefci*; namely of the Firms of the Manors belonging to the *Honor* of the Pleas and Perquisites of it, of Corn, Malt, Hogs, and other things fold, and a Fine made by *Randolf de Teife*. Out of these Issues divers Expences mentioned hereunder are discounted. The Summs both of Receipt and Discount being clarified, there remained due to the King from the Accountant, a *Clear Debt*, *Debitum clarum*, of *vii l & v s & v d (u)*.

In

ma, *lix s*. In thesauro lib[eravit]. Et quietus est.

Idem reddit compotum de *liiii s & ii d*, de perquisitionibus ejusdem Honoris. In thesauro liberav[it]. Et quietus est.

Helyas de Suetenhala reddit compotum de *xx s*, pro custodia Nepotum fuorum. In thesauro liberav[it]. Et quietus est.

Helyas de Hintleston debet i marcam pro habenda rationabili parte sua de feodo i Militis in Mol[], versus Bertram Camer[arium] & Mabil[iam] uxorem ejus. *Mag. Rot. 29 Hen. 2. Rot. 12. b.*

(*t*) Honor Comitis Eustachii. Idem Henricus [de Cornhill] reddit compotum de *ix l & x s*, de Veteri firma ejusdem Honoris; In thesauro liberavit & Quietus est: Et idem de nova firma scilicet de *c & vii l*; In thesauro *xl l*; Et in Terris datis Willielmo Puf, *xl s*, in Teya; Et pro *xii* Tonellis vini emptis ad opus Regis, contra adventum Archiepiscopi Colon[iensis] & Com[itis] Flandr[iæ], *xxii l & xiii s & iii d*, per breve Regis; Et pro eodem vino carriando a Londonia usque Cantuariam & Douram, *xxvi s & viii d*, per idem breve; Et pro *vi* Tonellis vini Expensibilis, & *ii* aliis Tonellis Boni vini, missis ad Windr[esfore], *x l &*

xiii s & iii d, pro eodem vino carriando a Lond[onia] usque Windresfore, *xs*, per idem breve; Et pro *viii* Tonellis vini Dominici, quorum duo missa sunt ad Gaitinton, & duo ad Selveston, & *iiii* ad Radin[gum], *xii l*, per breve Regis; Et pro eodem carriando a Londonia ad loca prædicta, *xx s*, per idem breve. Et in Corredio minoris filii Duc[is] Sax[oniæ] a Londonia usque Wintoniam, *iiii l & xviii s*, per breve Regis; Et pro pannis ad opus filiae Willelmi de Elinton, quæ est in custodia Regis, de hoc & de *ii* annis præteritis, *xv l & xviii s*, per breve Regis: Et habet de Superplus, *lxxix s & iii d*. *Mag. Rot. 30 Hen. 2. Rot. 10. a.*

(*u*) Terra Willelmi de Vefci. Quia non erat ei locus in Northumberland[ia].

Adam de Carduis reddit compotum de *xxiii l & xi s & x d*, de Veteri firma ejusdem Honoris; Et de *c & xxx l & vii s & viii d*, de firmis Maneriorum ejusdem Honoris, de dimidio anno; Et de *x l & xv s & iii d*, de placitis & perquisitionibus ejusdem Honoris, de dimidio anno; Et de *xix l & xvii s & vi d*, de blado & brasio & porcis & aliis rebus venditis, Et de *ii* marcis de Rand[ulfo] de Teisa, quas debebat Regi pro rehabenda terra sua. Summa, *c* &

In the thirtieth year of K *Henry II*, *Robert de Welles*, and *William de Effedeford* passed an Accompt for the Issues of the *Honor* of the *Constabularia*; to wit, for the assised Ferms of the Manours, for wool, cheeses, and other small things sold, for herbage, the Relief of certain Villains of *Kent*, and for Corn sold. There are discompted divers Summs paid and expended; to wit, for Cordage, instruments, and other necessities for the Ship of *Henry de Schornis*, when it sailed to *Spain* for the Daughter or *Infanta* of *Portigal*, in the livery or maintenance of *Robert Fitz-Bernards* wife, in stocking the Manors of the *Honor* with wainage, catell, corn-feed, in maintenance and wages of servants upon the Manours, in charges of tilling the grounds, in repairing of barns, and for small utensils. Remains due to the King the *Clear Debt* of *xl s (w)*.

In

& quater *xxl* & *c* & *xviii s* & *xi d*. In thesauro *xlvi* & *vii s*; Et Rann[ulfo] de Glanvill[a] *xl* *l*, ad faciendum de eisdem præstitum Comitissæ de Ybern[ia] de *xxl*, ad se sustentandum in Marchia Walliæ. Et Willelmo Torel *xxl* ad se similiter sustentandum in Marchia Walliæ in servitio Regis, per breve Regis. Et Portitoribus Avium Regis qui fuerunt Willelmi de Vesci, *iii* marcas, per breve Rann[ulfi] de Glanvilla. Et Simoni Capellano *i* marcam, per idem breve. Et in vestitura Præbendariorum, *xxxvii s* & *iiii d*, per breve Regis. Et pro pascendis avibus & canibus Regis, qui fuerunt prædicti Willelmi *xl* *s* & *vi d*, per idem breve. Et in procuratione *i* Capellani, & Vigili, & Portar[um], & Custodis Mutar[um] & avium, *li s* & *ii d*, de termino quo tenuit Ball[ivam], per idem breve. Et pro blado empto ad victum Servientum per Maneria, & præbendar[um], & pro reficiendis domibus, & pro claudendis Curiiis Maneriorum, & pluribus aliis negotiis *xxvi* *l* & *xv s* & *viii d*, de tempore quo tenuit Ball[ivam], per idem breve. Et pro instauranda terra quæ fuit Tomæ de Muscamp, pro *lxvi* bobus, *xviii* *l* & *iii s*,

per breve Regis. Et pro *xxxii* vaccis & *ii* tauris, *viii* *l* & *vii s*, per idem breve. Et pro *xi* affris, *xl* *iii s* per idem breve. Et pro *D* ovibus, *xxii* *l* & *x s* per idem breve. Et pro *xv* equabus ad equitium faciendum, *lii s* & *vi d*, per idem breve. Et pro *xxii* Scrophis *xxii s*, per idem breve. Summa prædicti instauramenti; *liiii* *l* & *xviii s* & *vi d*, per visum Radulfi filii Main & Simonis de Lucra. Et debet *vii* *l* & *v s* & *v d*. *Mag. Rot. 30 Hen. 2. Rot. 11. b.*

(w) Honor Constabulariæ.

Robertus de Welles & Willelmus de Effedeford reddunt compotum de exitu Constabulariæ hoc anno, ut Custodes, scilicet de *c* & *xxxviii* *l* & *xix s* & *ii d*, de firmis Maneriorum assisis. Et de *xxl* *xliii s* & *iii d* de lana & caseis & aliis minutis rebus venditis, & de herbagio, & de relevio quorundam Villanorum de Kent; Et de *x* *l* & *xv d* de blado per Maneria ejusdem Honoris vendito. Summa *c* & *lxix* *l* & *xliii s* & *viii d*. In thesauro *lxviii* *l* & *xliii s* & *x d*.

Et Rann[ulfo] de Gedding & Henrico de Cornhull, *xlvi* *l* & *xliii s* & *iiii d*, ad emendum funem[entum] & instru-

In the first year of K *John*, *William de Faleise* and Master *Swein* render an Account of the *Honor of Gloucester*; namely of cc and xxiii *l* and xii *s* and iii *d*, for the Firms and Issues of the Manours of this *Honor* for half a year; viz. xviii *l* and x *s* for the firm of *Bradestede* for half a year, it having been let to firm at that rate by the said *William* and Master *Swein*, lxxviii *s* arising by the sale of Wood, v marks for the assised Aid in the said Town, xlvi *s* and three halfpence in the assised rent of *Peteresfeld* within the said term, v marks in Toll and other perquisites, iiii marks for the Tallage of the same Town, viii *l* and xvii *s* and xi *d* for the rent of assise of *Mapelderesham*, vii *l* and vi *s* and viii *d* for the Tallage [of the same Town] and in many other *Items* (x).

As the Kings Fermers or Committees of his *Honors* used to render an accompt to him of the ordinary or other Issues thereof: So, they also accounted to him for the Escuage of Knights, and Tallage of the Towns and Demeanes, within the same *Honors*. This appeareth both from the presidents cited here above, and from those which follow hereunder.

Scutage

instrumenta & alia necessaria ad navem Henrici de Schornis, ituram in Hyspaniam pro puella de Portigal, per breve Rannulfi de Glanvill; Et in liberatione Breunundæ uxoris Roberti filii Bernardi, de xxx diebus lx *s*, per breve Rannulfi de Glanvill; Et in instauratione carrucar[um] per Maneria ejusdem Honoris, pro quater xx & iiii bobus & xvii affris, xxx *l* & iiii *s* & v *d* per breve Regis; Et pro semine empto ad terram seminandam, iiii *l* & xiiii *s* & i *d*, per idem breve; Et in procuratione Servientium per Maneria, & mercede eorum, & in Custamento excolendi terram, antequam esset instaurata carrucis, & pro reficiend[is] horreis Maneriorum, & pro minutis utensilibus, xii *l* & ix *s*, per idem breve.

Et debet xl *s*. *Mag. Rot. 30 Hen. 2 Rot. 11. b.*

(x) HONOR GLOECESTR[ia].

Idem [viz *Willelmus de Faleisia* & *Magister Sueno*] reddunt compotum

de cc & xxiii *l* & xii *s* & iii *d*, de firmis Maneriorum Honoris Gloecestr[ia] & exitibus, quæ sunt in manu Regis, de dimidio anno, scilicet, de xviii *l* & x *s* de firma de *Bradestede*, de dimidio anno affirmata per prædictos, scilicet W & Magistrum Swen[onem]; Et de lxxviii *s* de bosco vendito; Et de v marcis de auxilio assiso in prædicta villa; Et de xlvi *s* & iii ob[olis] de redditu ass[iso] de *Peteresfeld* de eodem termino; Et de v marcis de teloneo & aliis perquisitionibus; Et de quatuor marcis de taill[agio] ejusdem Villæ; Et de viii *l* & xvii *s* & xi *d* de redd[itu] ass[iso] de *Mapelderesham*; Et de vii *l* & vi *s* & viii *d* de taill[agio]; Et de vi *s* & x *d* de perquisitionibus; Et de c & ii *s* & iiii *d* de redditu ass[iso] de *Craneburne*, de eodem termino. *There are several other issues and expenses set-down in the Roll; and so the Account endeth. Mag. Rot. 1 Joh. Rot. 3 b. m. 2.*

Scutage of an Honor.

IN the eighteenth year of K *Henry II*, *Reginald de Warenne* accounted to the Crown for the Escuage of the Honor of *Wermegai*, and for the Escuage of the Knights of the Honor of *Hubert de Ria* (y). In the same Kings reign, *Richard* Bishop of *Winchester* for the Aid of the Knights of the Honor of *Drue de Montague* (z); *Hugh Bardolf* for the Escuage of the Knights of the Honor of *Glocestre* (a); and in the ninth year of K *Richard I*, *William de Warenne* for the Escuage of the Honor of *Glocester*, towards the Kings Ransome (b).

(y) *Reginaldus de Warennā debet xiiii l & v s, de Scutagio Honoris de Wermegai. Idem reddit compotum de xxxv l, de Scutagio Militum de Honore Huberti de Ria. Mag. Rot. 18 Hen. 2. Rot. 3. a. Norf. & Sudf.*

(z) De Auxilio ad maritandum filiam Regis. *Ricardus Wintoniensis Episcopus debet iiii marcas, de Militibus Drogonis de Monte Acuto. Sed calumpniatur quod sunt de Parvis feodis de Monte Acuto. Mag. Rot. 22 Hen. 2. Rot. 11. a. tit. Dorseta & Sumerfeta. The Bishop was Fermer of the Honour of Montague; Ib. juxta ante.*

(a) *Hugo Bardolf reddit compotum de ccc & xxvii l & iiis, de Scutagio Militum Honoris Comitis Glocestriæ, tam de Veteri feffamento quam de novo; De quibus ideo compotus redditur, quia Honor est in manu Regis; In thesauro cc & vii l & viiis & x d; Et in Perdonis, per breve Regis, Ricardus de Cardif xxxvi s & viii d—; Et in Dominiis Regis, de quibus habet Tallagium, vi l; Et in Perdonis, per breve Regis, Baronibus ejusdem Honoris feffatis in Walia, xli l & xvs; Et debet so much. Mag. Rot. 33 Hen. 2. Rot. 10. b. Gloec[estrescira].*

(b) *Willelmus de Warennā reddit compotum de ccc & xli l & viiis & vii d, de scut[agio] honoris de Glocestr[ia] affiso ad redemptionem Regis, post re-*

ditum ipsius ab Alemann[ia], dum Honor fuit in manu Regis, de Militibus ejusdem Honoris, quos invenire potuit, sicut ipse dicit; In thesauro c & quater xx & xvii l, & x d; Et Eustac[ius] de Grainvill[a], xx s, de feodo i Militis, per breve Regis, quod tenet in Capite de Rege, sicut idem Willelmus dicit. Et debet c & xliii l & vii s & ix d; quæ debent requiri a Militibus, quorum nomina annotantur in Rotulo, quem ipse Willelmus liberavit in thesauro, quando desiit habere custodiam ejusdem honoris. Idem reddit compotum de eodem debito. In thesauro nichil. Et Tomæ de Sanford, xxxvs qui transfretavit in servitium Regis, per prædictum breve. Et debet c & xli l & xii s & ix d; quæ debent requiri a prædictis Militibus, sicut ipse dicit.

Henricus de Boun reddit compotum de ccc marcis, pro fine terræ quæ fuit Margar[etæ] de Boun aviæ suæ, per pl[egios] qui supra annotantur. In thesauro nichil. Et Magistro Miliciæ Templi de Jerusalem, c marcas, per breve H Cant[uariensis] Archiepiscopi. Et debet cc marcas. De quibus R Thesaur[arius] Saresbir[iæ] recognovit quod H Cant[uariensis] Archiepiscopus debet prædictum Henricum acquietare de l marcis. *Mag. Rot. 9 Ric. 1. Rot. 8. b. m. 2. in imo.*

The Bishoprick of *Durham* was in the hands of K *Henry I*, by reason of Voidance. *Geofrey Escollandus* rendred to that King an Accompt of the Ferm of the Bishoprick, the Cornage of Cattel, the *Dones* of the Knights, the Tallages of the *Taines*, the *Dreines* and *Smalemans*, between *Tyne* and *Teode* [or *Twede*], and of other profits (c).

In

(c) Episcopatus Dunelmi.

GAUFRID[US] Escollandus redd[it] compot[um] de quater xx l & lviii s & vi d, de reman[ente] firmæ Episcopatus de tempore Episcopi. Sed de istis habuit Willelmus de Pontearc xxx l, de quibus reddidit compot[um] quando Com[es] Gloëc[estriæ] & Brient[ius] audier[unt] compotum de thesauro apud Wint[oniam].

ET de istis postea reddidit Gaufr[idus], IN thesauro, xx s.

ET IN Restaurat[i]one Maneriorum Episcopatus vii l & vii s & ix d, test[imonia] Johannis de Amundivilla & Cliberti & Unespac. Et debet xliiii l & x s ix d.

ET Idem Gaufridus reddit compotum de xvi l & viii s & ix d, de superpl[us]agio animalium, quod erat in quibusdam Maneriis.

IN Restaurat[i]one aliorum Maneriorum quæ vasta erant in Episcopatu liberavit, test[imonia] Johannis de Amundivilla & Cliberti & Unespac. Et Quietus est.

ET Idem Gaufr[idus] reddit compotum de veteri firma Episcopatus Dunelm[ensis] præteriti anni. IN thesauro cccc l & xxi s.

ET IN liberationibus constit[utis], xii l & xv s & vii d.

ET IN Corredio Archiepiscopi Eborac[i] veniendo ad Episcopatum & redeundo, xxiiii s & ix d.

ET IN liberat[i]onibus Walteri Espec & Eustac[i]i filii Johannis, dum fuerunt ad necessar[ia] Reg[is] facienda in Episcopatu, xvi s & viii d.

ET IN Reparat[i]one Domorum, x s.

ET IN Donis, per breve Regis, Priori de Sancto Oswaldo, xl.

ET IN Perdonis, per breve Regis, tribus Clericis de Episcopatu, 1 s de iii Ecclesiis quæ ad firmam pertin[ebant]. Et Quietus est.

ET idem Gaufr[idus] redd[it] compotum de c & x l & vi s & v d, de Cornagio animalium Episcopatus. IN thesauro quater xx l & lxvii s & ii d.

ET debet xxvi l & xviii s & iii d.

ET idem Gaufr[idus] redd[it] compotum de Nova firma Episcopatus. IN thesauro ccc & xxxvi l & x s & iii d.

ET IN liberat[i]onibus constit[utis], viii l & xiiii s & i d.

ET IN Corredio Regis Scotiæ redeundo de Curia, xxxiii s.

ET IN Corredio Archiepiscopi Eborac[i] veniendo ad Episcopatum & redeundo, xviii s & vii d.

ET IN liberat[i]onibus Walteri Epec & Eustac[i]i filii Johannis, dum fuerunt ad Necessar[ia] Reg[is] faciend[a] in Episcopatu, xxii s & ix d.

ET IN præterito anno, quando Com[es] Gloëc[estriæ] & Brient[ius] fil[ius] Com[itis] audier[unt] compotum de thesauro, iiiii l & iiiii s, sine tal[ea], ad perficiend[um] plenum numerum.

ET IN Donis, per breve Regis, Priori de Sancto Oswaldo, xiii l & vi s & viii d.

ET IN liberat[i]one Willelmi de Pontearc, quando venit de Normannia & perrexit ad Episcopatum Dunelm[ensem] recipiend[um], xv l & xv s de lxiii diebus.

ET

In the eighth year of K *Richard I*, the Bishoprick of *Durham* was in the Kings hand. The *Custodes* rendred an Accompt for the assised Rent of the Manors of the Bishoprick, the Tallage of the Manors, the Aids of the Churches and Parsons, the Pensions of the Churches, the Fines of Clerks, Efcuage of Knights, Fines of

ET IN Perdonis, per breve Regis, tribus Clericis de Episcopatu *cs*, de iii Ecclesiis quæ ad firmam pertineb[ant].

ET debet xli / & xliis & viii d.

ET Id[em] Gaufr[idus] redd[it] compotum de *c* & x / & v s & v d, de Cornagio animalium Episcopatus. IN thesauro quater xx / & xxxvi s & iii d.

ET debet xxviii / & ix s & ii d.

ET Ide[m] Gaufr[idus] redd[it] compotum de lviii / & vi s & viii d, de donis Militum Episcopatus. IN thesauro xlv / & xv s & viii d, cum Militibus de Lindesia. ET debet xii / & x s.

ET Ide[m] Gaufr[idus] redd[it] compotum de xlvi / & v s & iii d, de Tainis & Dreinis & Smalemannis inter Tinam & Teodam. IN thesauro xxxvi / ET debet x / & v s & iii d.

Alwold[us] filius Alwoldi Child redd[it] compot[um] de x m[arcis] arg[enti], pro relevat[i]one terræ patris sui. IN thesauro liberavit. ET Quiescit.

Filii Alwini de Crawecroca redd[unt] compotum de xx s, pro terra patris sui. IN thesauro liberavit. ET Quiescit. [*ita in Rotulo*].

Ranu[lfus] Archidiacon[us] reddit compotum de xl s, pro plac[ito] hominum suorum. IN thesauro xx s.

ET debet xx s.

Clibert[us] reddit compotum de *cs*, pro duello hominis sui. IN thesauro xxx s.

ET debet lxx s.

Gamel Clericus de Acheleia redd[it] compot[um] de ii m[arcis] arg[enti], pro duello hominis sui. IN thesauro

i m[arcam] arg[enti].

ET debet i m[arcam] arg[enti].

Hugo ho[mo] Walteri de Monast[erio] redd[it] compot[um] de i m[arcam] arg[enti], pro plac[ito] fororis suæ. IN thesauro liberavit. ET Quiescit.

Burgenfes Dunelmi redd[unt] compot[um] de *cs* de plac[itis] Eustace[us] filii Johannis. IN thesauro xls.

ET IN Perdon[is], per breve Regis eisdem Burgenfibus, lx s, pro combust[i]one domuum suarum. ET Quiescit.

Homines inter Tinam & Teifam deb[ent] v m[arcas] arg[enti], pro foris[actura] Summarii.

Anschetill[us] de Wirec[estria] redd[it] compot[um] de x /, de veteri firma Maneriorum Episcopatus Dunelm[ensis]. IN thesauro liberavit. ET Quiescit.

ET idem de Nova firma; IN thesauro cc & ix / & x s.

ET IN Corredio Regis Scotiæ, lxx s & viii d. ET in Donis, per breve Regis, Bernardo Clerico, xx s, in quadam Ecclesia.

ET IN Domibus de Hovendena reparand[is], lxx s.

ET IN ii Navibus emendis, xl s.

ET deb[et] ix s & iii d.

ET Ide[m] deb[et] xix m[arcas] arg[enti], de Dreinnis & Smalemannis Maneriorum quæ custodit.

ET Id[em] Ansch[etillus] redd[it] compotum de xl s, quos recepit de Olivero, de pecunia Episcopi Dunelm[ensis]. IN thesauro liberavit. ET Quiescit. *Mag. Rot. anni incerti Henrici primi, Rot. 13. dorso.*

of Sergeants, Fines for Lands, Issues of the Baronies, to wit, the Barony of *Giles Hausard*, and the several Baronies of *Robert de Amundevill*, *Robertson of Meldred*, *Henry del Broch*, *Alden*, *Ew-urth*, *Tremeldon*, *Herdewick*, *Sigeston*, and *Holton*, and for the Profit of the *Mine* and *Cambium* (d).

In the Thirteenth year of K *Henry II*, the Bishoprick of *Hereford* was in the Kings hand by reason of Voidance. *John Cumin* as *Custos* yielded an Account of the issues of it; to wit, of the *Census statutus*, or *settled rent*, the profits of the Fair of *Hereford*, for Honey, Synodals, Pleas of the Archdeaconries, Surplusage of Peter-pence, Bacons fold, corn and malt fold, Hogs fold, Load-horses, Crozuns, and salt fold, for Pleas, custom or duty of Hogs, and the remanent of the Service of the Knights of the Bishoprick &c. (e). In like manner *mutatis mutandis*, *John Cumin* accompted to the King for the profits of the Bishoprick of *Hereford*, in the

next

(d) *Hist. Exch.* p 493. g. Et vide *ib.* p 495. l & m. sub anno 13 Hen. 3. & *ib.* p 497. t. u. sub anno 11 Edw. 1. & *ib.* p. 448. col. 2. o. sub anno 13. Job.

(e) *The Bishoprick of Hereford is not accounted-for in the Great Roll of 12 Hen. 2.*

In the Great Roll of the Thirteenth year of K Henry II, it is accounted-for thus.

Episcopatus Herefordiæ.

Johannes Cumin reddit compotum de Exitu Episcopatus de Herefordia, de tribus partibus anni, sine Lindeberia, quam Gaufridus de Ver tenet præcepto Regis, scilicet de quater xx & xiii l & x d de Censu statuto, Et de xx l de Feria de Herefordia, Et de c pro Melle, Et de iii l & viii s de Synodal[ibus], Et de xxx s de plac[it]is Archid[iaconatum] de dimidio anno, Et de vii l & xix s & iii d de Superplusagio denarii Beati Petri, Et de vii l & xix s & vi d de Bacon[ibus] venditis, Et de x l & xix s & i d de Blado & Brasio vendito, Et de xx s de Porcis ven-

ditis, Et de lxxiiii s & iii d de ii runcinis & Crozuns, & Sale vend[it]is, Et de xxviii l & ix s & vi d de Plac[it]is, & de consuetudine porcorum, & de remanenti Servicii Militum Episcopatus: Summa c & quater xx l & iii s & vi d, In Thesauro c & lxii l & xv s & vii d;

Et pro celebrando funere Episcopi Heref[ordiæ], ls, per Decanum Ecclesiæ, Et pro l summis frumenti missis in Waliam, cs, per breve Ricardi de Luci, Et in liberatione servientum qui conduxerunt frumentum in Waliam, vii s & viii d, Et pro tribus Lupis capiendis, x d, Et Gaufrido de Ver xx marcas ad firmandum Castellum de Lindeberinort, per breve Regis.

Idem reddit compotum de cc & quater xx & ix summis frumenti, de Exitu Maneriorum; Ad muniendum Castella de Roelend & Munhalt, cc & xxxix summas, per Ricardum de Luci, Et xviii Prebendariis & Infirmis de Herefordia, xlvi summas, Et ii Vinitoribus iii summas; Et Quietus est. *Mag. Rot.* 13 Hen. 2. *Rot.* 5. b.

next following years, whilst it continued in the Kings hand, namely, in the fourteenth (*f*), the sixteenth (*g*), the seventeenth (*b*), the eighteenth

(*f*) Episcopatus de Herefordia.

Johannes Cumin reddit compotum de ccc*l* & ix*s* & iiii*d*, de Episcopatu Herefordiæ; In thesauro cc & lv*l* & xv*s*, Et Gaufrido de Ver xxi*l* in Lindeberia, quam tenet præcepto Regis, ad custodiam Castelli, Et in defectu instauramenti de Presteberia, iiii*l*, pro cccc ovibus, Et in defectu Nundin[arum] de Herfordia pro Werra Waliæ, vi*l* & vii*s* & ix*d* hoc anno, Et debet xiii*l* & vi*s* & vii*d*.

Idem reddit compotum de c*s* & ix*d*, pro vino vendito, In thesauro liberavit, Et Quietus est.

Idem reddit compotum de xxv*s* & xi*d*, de minutis placitis Episcopatus de anno præterito, In thesauro liberavit, Et Quietus est. *Mag. Rot. 14 Hen. 2. Rot. 8. a.*

(*g*) Episcopatus de Herefordia.

Johannes Cumin reddit compotum de c & xv*s*, de Veteri firma Episcopatus de Herefordia, In thesauro xlii*s*, Et in Quietantia terræ Willelmi Folet & Roberti de Brailis, lxxii*s*, per breve Regis, dum Episcopatus est in manu Regis, Et Quietus est.

Et idem de Nova firma de ccc*l* & ix*s* & iiii*d*, In thesauro cc & lxviii*l* & xv*s* & iiii*d*, Et Galfrido de Ver, xxi*l*, in Lindeberia, quam tenuit præcepto Regis, ad Custodiam Castelli, Et in defectu Instauramenti de Presteberia, iiii*l*, pro cccc ovibus, Et in defectu Nundinarum de Herefordia pro Werra Waliæ, xl*s*, Et Infirmis de Herefordia, xiii Ladas frumenti, appreciatas xvi*s* & ii*d*, Et in Liberatione Capellani de Herefordia v Ladas frumenti, appreciatas v*s* & x*d*, Et in Quietantia terræ Willelmi Folet & Roberti de Brailis, lxxii*s*, per breve Regis, dum Episcopatus est in manu Regis, Et Quietus est.

Idem reddit compotum de vi*l* de Auxilio Dominiorum Episcopatus ad marit[andam] filiam Regis, In thesauro liberavit, Et Quietus est.

Et remanent de eodem Auxilio, iiii*l* & xiii*s* & iiii*d*, super Lideberiam, quam Galfridus de Ver habuit per Regem.

Idem reddit compotum de c*s*, de Relevio Rogeri Puherii, In thesauro liberavit, Et Quietus est.

Idem reddit compotum de v marcis, de Relevio Ilberti de Diura, In thesauro liberavit, Et Quietus est.

Idem reddit compotum de xl*s*, de Relevio Ricardi de Huntlanda, In thesauro liberavit, Et Quietus est.

Idem reddit compotum de x*s*, de Relevio Radulfi de Crædelea, In thesauro liberavit, Et Quietus est. *Mag. Rot. 16. Hen. 2. Rot. 4. a.*

(*b*) Episcopatus de Herefordia.

Johannes Cumin reddit compotum de firma Episcopatus de Herefordia, de ccc*l* & ix*s* & iiii*d*; In Thesauro cc & lix*l* & x*s*, Et in custodia Castelli de Lideberia, xxi*l*, in Manerio de Lideberia, Et in defectu Instauramenti de Presteberia, iiii*l*, pro cccc ovibus, Et in defectu Nundinarum de Herefordia pro Werra Waliæ, xl*s*, Et Infirmis de Herefordia xiii Ladas frumenti, appreciatas xv*s* & ii*d*, Et in liberatione Capellani de Herefordia v Ladas frumenti, appreciatas v*s* & x*d*, Et in Quietantia terræ Willelmi Folet & Roberti de Brailis, lxxii*s*, per breve Regis, dum Episcopatus est in manu Regis, Et debet ix*l* & vi*s* & iiii*d*.

Idem debet iiii*l* & xiii*s* & iiii*d*, de Auxilio de Lideberia ad maritandam filiam Regis. *Mag. Rot. 17 Hen. 2. Rot. 6. in dorso.*

eighteenth (*i*), and the nineteenth year of K *Henry II* (*k*).

In the Thirteenth year of K *Henry II*, the Bishoprick of *Bathe* was Void. *Richard de Wilton* rendred to that King an Account of the issues of it; to wit of the Ferm of the Manors, the Rents of the Archdeaconries, the Pleas of the Bishoprick (*l*).

In the Fourteenth year of K *John*, *Thomas Peverel* accounted to the King for the Bishoprick of *Bathe* being then void and in the Kings hand; namely, for assised Rents, fermes and issues of Mills,

(*i*) Episcopatus de Herefordia.

Johannes Cumin reddit compotum de *ix l & vi s & iii d*, de Veteri firma Episcopatus de Herefordia: In thesauro *lxxv s & iii d*; Et debet *c & x s*; qui remanserunt pro instauratione & firma Manerii de Lideberia, quam Servientes Galfridi de Ver asportaverunt, ut ipse Johannes dicit.

Et idem de Nova firma, de *ccc l & ix s & iii d*: In thesauro *cc & lvii l & xiiii s*, Et in custodia Castelli de Lideberia, *xxi l*, In Manerio de Lideberi, Et in defectu instaur[amenti] de Presteberia, *iiii l*, pro *cccc* ovibus, Et in defectu Nundinarum de Herefordia, pro Werra Walia, *c s*, Et Infirmis de Herefordia *xiii* Ladas frumenti, appreciatas *xvii s & iii d*, Et in liberatione Capellani de Herefordia *v* Ladas frumenti, appreciatas *vi s & viii d*, Et in Quietantia terræ Willelmi Follet, & Roberti de Brailis, *lxxii s*, dum Episcopatus est in manu Regis, Et in Quietantia terræ Roberti Lecat *v s*, Et debet *vii l & xiiii s & iii d*.

Idem debet *iiii l & xiii s & iii d*, de auxilio de Lideberia ad maritandam filiam Regis.

Idem reddit compotum de *xv l*, de Scutagio Militum ejusdem Episcopatus, quos Episcopus recognoscit se debere Regi; In thesauro liberavit, Et Quietus est.

Idem reddit compotum de *lxx s*, de Militibus quos non recognoscit se debere Regi, Quia Episcopatus est in

manu Regis, In thesauro *xl s*, Et debet *xxx s*.

Idem reddit compotum de *xx s* de relevio terræ Adæ filii Seherii, de *i* Hida terræ, In thesauro liberavit, Et Quietus est. *Mag. Rot. 18 Hen. 2. Rot. 1. a.*

(*k*) Episcopatus de Herefordia.

Johannes Cumin debet *vii l & xiiii s & iii d*, de Veteri firma Episcopatus de Herefordia.

Idem debet *iiii l & xiii s & iii d*, de auxilio de Lideberia ad maritandam filiam Regis.

Idem debet *xxx s*, de Scutagio Militum Episcopatus in Exercitu Hyberniæ, de his quos Episcopus recognoscit, reddendos quia Episcopatus tunc erat in manu Regis. *Mag. Rot. 19 Hen. 2. Rot. 9. b.*

(*l*) Episcopatus de Bada.

Ricardus de Wiltona reddit compotum de *xxv l*, de Episcopatu de Bada, post mortem Episcopi, usque ad festum sancti Michaelis; In thesauro liberavit, Et Quietus est.

Idem reddit compotum de *cccc & xv l & v s*, de firma Maneriorum, Et de *xvi l & x s* de redditibus Archidiaconatum, Et de *lvi s & viii d* de *lxx* mensuris Salis.

Summa, *cccc & xxxiiii l & xi s viii d* de hoc anno.

In thesauro *cccc & xxv l & x s*.

Et Johanni Cumin, *xl s*, pro præbenda sua, per breve Regis, Et Willelmo de Gundevill, *xx s*, pro præbenda sua.

Et

Mills, Pleas and perquisites, Pawnage herbage and hay fold, for Chirifet, plowing and Work released, avarage, and other customs and small sales, and for corn fold. Paid into the Kings Treasury Three hundred and forty pounds. Allowed to the Accountant divers necessary expenses there set-down. Upon clarifying the Account, there remained due to the King, cc & xiii l & xiiii s, and vi d (m).

In the Third year of K Edward III, John de Clyvedon and Gilbert de Berewyk accompted to the King for the issues of the Bishoprick of Bathe and Wells, to wit, for the whole Rent of the Manors of Wells, Wokywestbury, Cranemere, Evercrycz, Cedre, Blakeford, Compton, Banewell, Congresbury, Jatton, Chyw, Pokelchirche, Hampton, Claverton, Hywysh, Kyngesbury, Cerde, Boclond, Welynton, Wyvelescomb cum Wysbyde, Lidyard, Dogmeresfeld,

Et in liberatione Custodis Dommorum Episcopi, xv s.

Et debet c & vis & viii d.

Idem debet, iiii l, de Placitis Episcopatus. Mag. Rot. 13 Hen. 2. Rot. 13. a.

(m) Compotus Episcopatus Batoniæ de anno integro.

Tomas Peverell reddit compotum de ccc & xxiiii l & ix s & xi d & ob. de redd[itibus] assis[is], Et de xix l & vis & vi d & ob. de firmis & exitibus Molendinorum, Et de c & xxxvii l & xviii s & x d & ob. de placitis & perquisit[is], Et de lxix l & xiiii s & ix d, de Pafnagio, & Herbagio, & feno vendito, Et de xlviii l & iiii s & xi d de Chirifet, & arura, & operibus relaxatis, & Avarag[i]o, & aliis consuetudinibus & minutis venditionibus, Et de xl l & xii s & viii d, de blado vendito.

Summa, dc & xl l & vis & ix d, & præterea xii l & iiii s & x d & ob. de areragiis compoti sui de anno præterito.

In Thesauro ccc & xl l; Et pro c & lxii porcis emptis, vii l & x s & iiii d, per breve Regis, de quibus debent respondere, Et pro i Tonello vini rubei expensi apud Welles, xxxiiii s per idem breve, Et in cariagio ii Tonellorum

vini Andeg[avenfis] usque ad Welles ab Hantona, xii s, per idem breve, Et in liberatione Johannis Palmerii cum xvii Garcionibus, custodientis xxxv equos & in liberatione Gingelet & vii Garcionum custodum xiiii equorum, & in liberatione ii Garcionum custod[ientium] x equos cum ii Runcinis prædictorum Johannis & Gingelet, & in liberatione iiii hominum caretariorum cum ix equis caretariis, & in custo prædictorum equorum in avena empta Huciis, & ferratura, & pluribus aliis expensis, quater xx & xvii l & xiiii s & vi d & ob. per diversa tempora, sicut continetur in Rotulo partiali quem liberavit in Thesauro & in liberatione Valtrariorum, & Venatorum & Bernariorum, scilicet xiiii^{clm} cum lxvi Lepor[ariis], & xiii Canibus, xxxix l & iiii s & vi d, Et in necessariis expensis, xxxix l & xiiii s.

Et debet c & xxvi l & iiii s & iii d, Et præterea debet quater xx & v l & vii s & iii d, de exitibus ecclesiarum & præbendarum, & xliiii s & v d de exitu prædictorum porcorum venditorum. Summa Debiti, cc & xiii l & xiiii s & vi d. Mag. Rot. 14. Job. Rot. 1. b.

*meresfeld, Compton in Berkshire, the Rents of the City of Bath, the Buroughs of Wells, Axebrigg, Cerde, and Welyngton, with the rents belonging to the Mansion of the Bishop in the suburb of London, the ferm of xxiiii Watermills, two Windmills, and six Ful-lingmills, in the said Manours, for other issues of the said Manours, as fore lder, underwood, dead wood, heath and Furze sold, the Lead-mine of Muindep, the Summer-pasture in the said Manours, the Meadow in the said Manours sold in grafs, the acknowledgments, of Villains, the plowage, average and hand-works of Customary Tenants sold, Pleas and perquisites of Courts, Fines for Entry into Lands, Heriots, Toll of Markets and Fairs, and the Pleas of Fairs. Then follow the Expences and Allowances, to wit, in the Acquittances of Provosts, Messors, and Bedells, Wages of Bailifs, Parkers, and Porters, Liveries of Clerks convict, and in several other particulars. The Accompt proceedeth. The Summs are purified. The Accomptants pay into the Kings Treasury *so much*: And have in Surplusage *so much* (n).*

(n) *Compotus Johannis de Clyvedon & Gilberti de Berewyk, de exitibus temporalium Episcopatus Bathoniensis & Wellen[is], vacantis per mortem Johannis de Drokenesford nuper Episcopi locorum illorum, videlicet a ix^o die Maii anno tercio, quo die idem Johannes obiit, per breve Regis Patens, per quod Rex commisit eisdem Johanni & Gilberto custodiam temporalium Episcopatus prædicti, Habend[am] quamdiu Regi placuerit; Ita quod de exitibus inde provenientibus Regi respondeant ad Scaccarium Regis, usque xxii^m diem Julii proximo sequent[is], quo die idem Rex restituit temporalia ejusdem Episcopatus Magistro Radulfo de Salopia, tunc Canonico Ecclesiæ Wellensis, in Episcopum ecclesiarum Bathoniensis & Wellen[is] electo confirmato, per aliud breve Regis patens.*

Receptæ. Idem reddunt compotum de quater xx & xvi / xiiii d ob. q. de toto redditu Maneriorum de Well.

In Wokywestbury, Cranemere, Evercrycz, Cedre, Blakeford, Compton, Banewell, Congresbury, Jatton, Chyw, Pokelchirche, Hampton, Claverton, Hywysh, Kyngesbur[y], Cerde, Boclond, Welynton, Wyvellescomb cum Wyfhyde, Lidyrd, Dogmeresfeld, Compton in Comitatu Berk, Civitat[is] Bathoniæ, & Burgorum Well[æ] Axebrigg, Cerde & Welyngton, una cum redd[itibus] pertin[entibus] ad mansum dicti Episcopi in suburbio Londoniæ, quæ sunt Temporalia Episcopatus prædicti, videlicet de Termino Nativitatis Sancti Johannis Baptistæ infra tempus prædictum, sicut continetur in Rotulis de particulis quos liberaverunt in Thesauro, Et de xxxiiii / xix d, de firma xxiiii molendinorum aquaticorum, duorum molendinorum ventriticorum, & vi molendinorum fulret[icorum] Maneriorum prædictorum, ad eundem terminum, sicut continetur ibidem, Et de xiii / xv s ix d q. de diversis exitibus

Mane-

In the nine and twentieth year of K *Henry II*, *Tomas Noel* accounted to the King for the Bishoprick of *Lichfield* and *Conventry* (which anciently was often called the Bishoprick of *Chester*).

He

Maneriorum prædictorum, videlicet, alnet[o], subbosco, mortuo bosco, jaon [*forſan pro jampno*] & bruera ibidem vendit[is], una cum iis iiiid de exitibus mineræ mineræ [*ita in Rotulo*] plumbi super Muindep, per tempus prædictum, sicut continetur ibidem; Et de xliii / vs viiid de pastura æstivali in eisdem Maneriis, sicut continetur ibidem; Et de quater xx & xliii / xvi s xid, de dcccc xi acris & dim[idia] prati in eisdem Maneriis venditis in herba per idem tempus, sicut continetur ibidem; Et de xlvii / viiis, de recogn[itionibus] villan[orum] eorundem Maneriorum, sicut continetur ibidem; Et de xxix / iiiis v d q. de arrur[a] averag[i]o & operibus manualibus Custumar[iorum] Maner[iorum] prædictorum per idem tempus vend[itis], sicut continetur ibidem; Et de clxxii / xix s vi d de placitis & perquis[itionibus] Cur[iarum], & fin[ibus] pro ingressu terrarum, una cum ix bobus & ii bovetis proven[ientibus] de heriet[is] in eisdem Maneriis venditis per idem tempus, sicut continetur ibidem; Et de liii s viiid ob. de toln[eto] Mercat[orum] & Nundinarum, unacum placitis feriarum per idem tempus, sicut continetur ibidem.

Summa Recept[arum], dxxxiiii / vis x d q.

De quibus,

Expensæ. Idem computant in acquietanc[iis] redd[ituum] Præpositorum Messorum & Bedellorum Maneriorum prædictorum, de dicto termino Nativitatis sancti Johannis Baptistæ, xliii s ii d ob. sicut continetur in dictis Rotulis de particulis; Et in vadiis Ballivorum Parcariorum & Janitor[um] Well[æ], Clericorum convict[orum] priso-

num liberationibus, & stipendiis Parcariorum Messorum & Wodewardorum eorundem Maneriorum, per tempus prædictum, xvi / viiis viiid q. sicut continetur ibidem; una cum xii s ii d, de vadiis clericorum convictorum in prisona Episcopi per idem tempus existent[ium], sicut allocatum est in Compoto Johannis Moryz, de exitibus eorundem temporalium in Rotulo secundo Regis E patris Regis hujus, Rotulo Compotorum, Et in MMMM dccc quater xx & xviii acris & dimidia, cujuslibet generis bladi, in Maneriis prædictis, in terra crescent[is] die quo prædictus Episcopus obiit, & capt[i] in manum Regis pro debitis quæ idem Episcopus Regi debuit, farcland[is] & metendis, cxxii / ix s iii d pro acra farcland[a] i d, & pro acra metenda v d, sicut continetur ibidem; Et in eisdem bladis a camp[o] carriandis, & in grangiis tassandis, una cum vadiis & stipendiis Riperenorum & aliorum Ministrorum necessariorum pro eisdem supervidendis, una cum grang[iis] discoopert[is] cooperiend[is] per loca necessaria, l / xi s ii d, sicut continetur ibidem. De quibus bladis iidem Custodes debent respondere, in partem solutionis debitorum prædictorum. Et respondent infra.

Summa totalis expensarum, c & quater xx & xi / xii s iii d ob. q. Et debent cccxlii / xiiis vi d ob.

Iidem reddunt compotum de eodem debito: In thesauro ccc /, Et eisdem pro expensis suis circa custodiam prædictam, per tempus prædictum xl. Item in Thesauro lxvi / xii s iii d. Et habent de Superplusagio xxxiiii / xviii s ix d ob. De quibus allocantur Episcopo Bath[onienſi], per assignationem Custodum prædictorum, xii /

Z

xvii s

He accompted for the Rents of the Manors, the rents of the Archdeaconries, the Perquisites of the Bishoprick, and the Paunage of it (o).

In the twentyninth year of K *Henry II*, the Bishoprick of *Chichester* was Vacant, and in the Kings hand. An Accompt of it for the Vacancy, was rendred to the King by *Roger Hay*, and Master *Lodowic* for *Sefred* Dean of *Chichester*, namely for the Firms of the Manors of the Bishoprick, and for the Pleas and perquisites of it (p).

In the Twentyninth year of K *Henry II*, the Archbishoprick of

xviii s viii d, sicut contiuetur in Rotulo Quinto, in Item Somers[eta]; Et remanent xxi l xiii d ob. Qui allocantur eidem Episcopo per eandem assignationem in Rotulo viii^o, in Item Somers[eta].

Johannes de Clyvedon & Gilbertus de Berewyk debent respondere de MMMMDCCC quater xx & xviii acris & dim[idia] cujuslibet generis bladi, in Maneriis dicti Episcopatus capti in manum Regis, pro debitis quæ idem Episcopus Regi debuit die quo obiit, collecti, & in grangiis repositi, sicut supra continetur. Et respondent in Rotulo Quinto, in Item Somers[eta]. *Mag. Rot. 3 Edw. 3. Rotulo Computorum viz. Rot. 11. intus.*

(o) Episcopatus Cestriæ. Tomas Noel reddit compotum de quater xx l & xxii s & iiii d, de redditu Maneriorum Episcopatus Cestriæ, de tribus partibus anni; Et de xxix l & x s, de redditibus Archidiaconatuum Episcopatus: Summa, c & x l xii s & iiii d. In thesauro quater xx & vi l & xiii s & x d in ii talliis.

Et Archiepiscopo Develin[i], xl s pro præbenda sua per breve Rann[ulfi] de Glanvill[a]; Et Ricardo Dec[ano] de Lichesfeld, xxv s, de cumento Decanatus sui, per Ricardum Episcopum, per breve Rann[ulfi] de Glanvill[a]; Et in Comuna Ecclesiæ de Lichesfeld quam Ricardus Episcopus ei assignavit

iiii marcas, per breve Rann[ulfi] de Glanv[illa]; Et in defalta Molendini in Sallawe, xiii s & i d; Et in defalta i Molendini de Lichesfeld, xiii s & vi d; Et in procuratione ipsius Episcopi ante mortem ipsius, xl s, de redditu de Lichesfeld, quam acceperat de die in diem, per breve Regis. Et debet xiiii l & x s & vii d; De quibus, vi l & xv s sunt super homines de Lichesfeld; Et super Archidiaconat[us] quod restat, scilicet vii l & xv s & vii d sicut ipse dicit.

Idem reddit compotum de xi l & xvii d, de perquisitionibus ejusdem Episcopatus. In thesauro liberav[it]. Et Quietus est.

Idem reddit compotum de xli s & v d, de Pasnag[i]o Episcopatus. In thesauro liberavit, Et Quietus est. *Mag. Rot. 29 Hen. 2. Rot. 12. b.*

(p) EPISCOPATUS CYCESTRÆ.

Rogerus Hay, & Magister Lodowicus pro Sefredo tunc Decano Ecclesiæ Cycestr[iæ], reddunt compotum de xxviii l & xviii d de firmis Maneriorum Episcopatus Cycestr[iæ], de termino Sancti Johannis. In thesauro liberaverunt. Et Quieti sunt.

Id[em] reddunt compotum de xlv s & vi d, de placitis & perquisitionibus Episcopatus, de eodem termino. In thesauro liberaverunt. Et Quieti sunt. *Mag. Rot. 26 Hen. 2. Rot. 2. b.*

of *York* was void, and in the Kings hand, *Laurence* the Archdeacon, Master *Roger Arundel*, and *William Vavassur*, rendred an Accompt of the Issues thereof at the Exchequer, to wit, The Ferm of the Manours, the rent of the Archdeaconry of *Richemunt*, the rent of Synodals, the relief of Tenants, a Remanent of *Peterpence*, Perquisites, Sale of chattels (*q*).

In the thirtyfourth year of K *Henry II*, the Bishoprick of *London* was in the Kings hand by Voidance. *Ralf* Archdeacon of *Colechester* and *Richard* Archdeacon of *Coventry* rendred an Account of it at the Exchequer, namely, for the assised rent of the Manours, for the Fairs of *Storteford*, for Wool, cheeses and Skins fold, for Herbage, Pleas and perquisites, Rents of Archdeaconries, for Corn fold, and Pawnage (*r*).

K *John*

(*q*) Archiepiscopatus Eborac[i].
Laurentius Archidiaconus, & Magister
Rogerus Arundel, & Willelmus Vavassur reddunt compotum de m & c & xxvii l & ii s & x d, de firma Maneriorum Archiepiscopatus de Everwich. In Thesauro m & c l & c & ii s.

Et Thesaurario ejusdem Ecclesiæ xxv s quos habet annuatim in Extoldestham; Et Comunæ ejusdem Ecclesiæ, iiii l & vi s & viii d, per breve Rann[ulfi] de Glanvilla; Et Monialibus S Clementis, xl s, per breve Rann[ulfi] de Glanvilla; Et in Liberat[ionibus] Forestar[iorum] per Maneria Archiepiscopatus, iiii l & xiii s & iii d, hoc anno; Et in Liberat[ionibus] xiii Præbendariorum, vi l & xiii s & x d; Et Vinitori de Escham vi s & iii d; Et in custamento Vineæ, viii s & ii d; Et pro reparanda Capella de Wiltona xlvi s & viii d, per breve Regis, & per testimonium Reineri Dapiferi; Et Quieti sunt.

Idem reddunt compotum de xx s, quos Archidiaconus de Richemunt solvit Archiepiscopo annuatim de Archidiaconatu suo. In thesauro liberaverunt, Et Quieti sunt.

Idem reddunt compotum de lix l & xviii s & iii d, de redditu Synodaliu[m]

In thesauro lii l & xviii s & iii d; Et Præcentori ejusdem Ecclesiæ, xli s, quos habet annuatim; Et Magistro Scholarum, cs, quos habet annuatim. Et Quieti sunt.

Idem reddunt compotum de x l, de relevio Willelmi Morin; Et de ii marcis, de relevio Rogeri de Noubi. In thesauro liberaverunt in ii Talliis, Et Quieti sunt.

Idem reddunt compotum de d & quater xx & xii l & iiii s & i d, de Remanenti denariorum Beati Petri, & de quibusdam Reragiis Archiepiscopatus; Et de perquisitionibus, & quibusdam catallis venditis, quorum particulae in brevi Receptæ Thesauri annotantur. In Thesauro d & quater xx l & xiii s & i d in viii talliis; Et Domino Papæ per manum Archiepiscopi Cant[uariæ] xi l & xs; Et Quieti sunt. *Mag. Rot. 29 Hen. 2. Rot. 5. b. post Everwichsciram.*

(*r*) Episcopatus Londoniæ. Radulfus Archidiaconus Colecestriæ & Ricardus Archidiaconus Coventriæ reddunt compotum de xvii l & iiii s & xi d, de Reragio Episcopatus Londoniæ. In thesauro liberaverunt; Et Quieti sunt.

Et idem de cc & xlv l & xviii s & xi d

K *John* in or about the Seventh year of his reign, granted the whole *Honor* of *Berchamstede*, with the Castle of *Berchamstede*, and the Services of the Knights and all other pertinencies, to *Geoffrey Fitz Pierre*, to be holden at Fee-ferm, of the King and his heirs, by *Geoffrey* and the heirs which shall issue from him and *Avelina* his wife, and for want of such Issue, then to be holden by the other heirs of *Geoffrey*; Rendring to the King and his heirs yearly for the said *Honor* c*l* (s).

Honor

xi*d*, de assiso redditu Maneriorum Episcopatus Londoniæ, de anno integro; Et de xxxv*s* & v*d*, de Nundinis de Storteford; Et de xix*l* & iiiis de Lana & Caseis & Pellibus venditis; Et de lxxix*s* & ix*d*, de herbagio vendito; Et de xvii*l* & xiiii*d*, de placitis & perquisit[ionibus]; Et de xxxv*l* de Redditibus Archidiaconatum; Et de quater xx & xiiii*l* xv*s* & viii*d*, de Bladis venditis per Maneria; Et de ix*l* & ix*s* & ix*d* & obolo, de Pasnagio per Maneria. Summa, cccc & xxvii*l* & iiiis & viii*d* & ob[olus]. In Thesauro cc & quater xx & x*l* & xv*s* & vi*d*.

Et Magistro David de Lond[onia], x*l*, quas percipit annuatim de Archidiaconatu de Middlesexa; Et Magistro Petro Blesensi xls de hoc anno, quos solebat percipere annuatim de Camera Episcopi, per breve Regis; Et eidem xx*s*, de anno præterito, per idem breve, Et Johanni Witeng[e] xls, quos consuevit percipere de Camera Episcopi; Et in liberat[i]one i Præbendar[ii] apud Fulham, viii*s* & viii*d*; Et in liberat[i]one Vigil[um] & Janitor[um] Castellum de Storteford, xxxvi*s* & viii*d*; Et in stipendiis Servient[um] per Maneria Episcopatus, xiiii*l* & xis & iiiid & ob[olus]; Et Presbitero clerico Dⁿⁱ Papæ, v marcæ, per breve Ranulfi de Glanvilla; Et in custamento excolendi terras per Ma-

neria, & pro Bobus & affris emptis, & colligendo segetes, xxviii*l* & xis & ob[olus]; Et in emend[atione] Domorum per Maneria, vi*l* & viis & ix*d* & obolus; Et in Decim[a] ad auxilium terræ Iherosol[imæ], xxix*l* & x*d* & ob[olus]. Et debent xxxviii*l* & xvi*s* & iii*d* ob[olum]. De quibus Archidiaconus Colecestriæ Regi debet respondere de xx*l*, & N Archidiaconus Londoniæ de x*l*. *Mag. Rot.* 34 *Hen. 2. Rot.* 1. b.

(s) G filius Petri reddit compotum de c*l*, de firma de Berchamstede, Et de xx*l* de firma de Winterlawe; quæ debet tenere, scilicet totum Honorem de Berchamstede, cum castello de Berchamstede & servitiis Militum, & omnibus aliis pertinentiis suis, ad feodi firmam, de Rege & hæredibus suis, ipse & hæredes sui qui exierint de eo & Avelina uxore sua, vel aliis hæredibus suis, si ipse ex ea hæredes non habuerit, vel si de hæredibus illis quos ex ea habuerit humanitus contigerit; Reddendo inde Regi & hæredibus suis per annum, scilicet c*l* de Berchamstede, & xx*l* de Winterlawe; In thesauro c*l*; Et in suo superplus, quod habet in compoto suo post Lancastriam in Rotulo præcedente, xx*l* Et Quietus est. *Mag. Rot.* 7 *Job. Rot.* 16. b. tit. Essex[ia] & Hurtfordscira.

Honor de Knaresburgh in Fee tail.

K Henry III granted the Manor of *Knaresburgh* with the Castle and *Honor*, and the Knights Fees and all other appurtenances, to *Hubert de Burgh* and *Margaret* his wife, and to the heirs descending from the said *Hubert* and *Margaret*; To hold of the King and his heirs, during the Life of each of them, and after their decease, to their heirs descending from them the said *Hubert* and *Margaret*, in Fee and Inheritance; Rendring for the same to the King and his heirs yearly at his Exchequer, c*l*, payable at the two Terms, for all Services and demands (i).

So also an Honor might be lett to ferm, or put into Custody, like as a Manour or other estate in land. In the Fortyfourth year of K *Henry III*, in a Plea moved in the Court of Exchequer between *John de Luvetot* Keeper of the Honour of *Peverell* of *Notingham* then in the Kings hands, and *Simon de Asselaeton* Sherif of the Counties of *Notingham* and *Derby*, Search was made in the Rolls of the Exchequer. By those Rolls it was attainted (that is manifestly proved) that *Roger de Luvetot* Keeper of that Honor did answer to the King upon his Account rendred in the Fortieth year of That King, for the profits of View of Frankpledg, as pertaining to his Ferme of that Honor. Thereupon the Barons gave Judgment for the said *John de Luvetot* (u).

Honor Peverelli de Not. lett to ferm.

(i) Hubertus de Burgo reddit compotum de l*l*, de firma de Knaresburg & Burg[i], de alio dimidio anno, per breve Regis, In quo continetur, quod Rex concessit eidem Huberto & Margaretæ uxori suæ, & hæredibus de ipso Huberto & eadem Margareta descendentibus, Manerium de Knaresburg, cum Castro & Honore, & feodis Militum, & omnibus aliis pertinentiis suis, Habendum & tenendum de Rege & hæredibus suis tota vita utriusque ipsorum; Et post decessum eorum, hæredibus eorum de ipsis Huberto & Margaretæ descendentibus, in feodo & hæreditate; Reddendo inde Regi & hæredibus suis annuatim ad Scaccarium, c*l*, ad duos

terminos, pro omnibus serviciis & demandis; In thesauro liberavit; Et Quietus est. *Mag. Rot. 13 Hen. 3. tit. Everwyckeschira.*

(u) Notingh[amscira], Derb[iscira]. *Simon de Asselaeton* Vicecomes attachiatur ad respondendum *Johanni de Luvetote*, Custodi Honoris *Peverelli* de *Notinghamia*, de Visu *Franci-plegii*, turno *Vicecomitis* & auxilio *Vicecomitis*, de hominibus qui tenent de eodem honore in prædictis Comitibus, quæ clamat pertinere ad firmam ejusdem honoris, eo quod Custodes ejusdem honoris alias inde in compotis suis responderunt Domino Regi. Et quia attinctum fuit per Ro-

A a rulos

King *Edward* I, in the twentyfourth year of his reign, by a Patent Letter of his Great Seal, committed to *Hugh de Cressingham*, the Castle and Town of *Haverford*, with the Seal of the Chancery there, to be kept by him during the King's Pleasure, at a Rent to be rendred by *Hugh* to the Executors of *Alienor* late the King's Consort (*w*).

tulos de Scaccario in anno Regis hujus xlo, in compoto Rogeri de Luvetot, quod ipse respondit Domino Regi de Visu Franci-plegii, consideratum [est] quod ipse habeat decætero visum Franci-plegii de prædictis Hominibus, pertinentem ad firmam suam &c. Et quod Vicecomes sit in auxilium eidem ad distringendum prædictos homines ad reddendum ei id quod ei aretro est de visu Franci-plegii, de tempore quo fuit Custos ejusdem honoris; Et quod Vicecomes & idem Johannes ponant in respectum usque super compotum Vicecomitis, demandam quam faciunt hominibus ejusdem honoris de turno Vicecomitis & auxilio Vicecomitis, ut tunc discutiatur quis eorum ea habere debeat &c. *Rot. Placitor. Scaccarii* 44 *incip.* 45 *Hen. 3. Rot. 4. b.*

(*w*) De Castro & Villa de Haverford commissis Hugoni de Cressingham. Rex omnibus ad quos &c. salutem. Sciatis quod commisimus dilecto & fidei nostro Hugoni de Cressingham, Castrum & Villam nostram de Haverford, unacum Sigillo Cancellariæ nostræ ibidem, Villa nostra de Sancto Claro, Hamelettis, libertatibus, & omnibus aliis ad prædicta Castrum Sigillum & Villas pertinentibus; custodi-

endum quam diu nobis placuerit; Reddendo inde per annum Executoribus testamenti bonæ memoriæ Alianoræ quondam Reginæ Angliæ Consortis nostræ, tantum quantum Walterus de Pederton nuper Custos prædictorum Castri & Villarum, dictis Executoribus per annum prius inde reddere consuevit. In cujus &c. Teste Rege apud Sanctum Albanum iiiiº die Januarii.

Et mandatum est Waltero de Pederton, quod eidem Hugoni prædicta Castrum & Villas, unacum Sigillo Cancellariæ Regis ibidem, armaturis, victualibus, rotulis, brevibus, & omnibus aliis rebus Regis, in prædictis Castro & Villis existentibus, per Girographum inter ipsos conficiendum, liberet custodiendum sicut prædictum est. Teste ut supra.

Et mandatum est Militibus, liberis hominibus, & omnibus aliis, tenentibus, de prædictis Castro villa & libertate de Haverford, quod præfato Hugoni tanquam Custodi prædictorum Castri & Villarum, in omnibus quæ ad custodiam prædictam pertinent, intendentes sint & respondentes in forma prædicta. Teste ut supra. *Originale* 24 *Edw. 1. m. 3.*



CHAPTER V.

The Number of Knights Fees, of Baronies, Bishops and Abbots.



IN the reign of K *Henry II*, the several *Honors* and Baronies hereunder mentioned were composed of the number of Knights Fees hereunder specified.

The *Honor* of the Earl of *Clare* comprised one hundred and thirty one Fees, and certain Fractions of Fees, of the Old Fesment (*x*).

The *Honor* of *Hugh Bigot* Earl of *Norfolk*, one hundred twenty five Fees, of the Old Fesment (*y*).

The *Honor* of the Earl of *Warwick*, one hundred and two Fees and a fraction, of the Old Fesment (*z*).

The *Honor* of *Eye* ninety Fees (*a*).

The Barony of *William de Albeney Brito* three and thirty Knights Fees (*b*).

The Barony of Earl *Reginald* two hundred and fifteen Knights Fees and a Third part of a Fee (*c*).

William de Meschines had a Barony made-up of Eleven Knights Fee (*d*).

In the reigns of K K *Richard I* and *John*, there were Fifteen feoffed Knights upon the Barony or Honor of *Pettewurd* (*e*).

In the thirteenth year of K *John*, the *Honor* of *Toteneis* consisted

(*x*) *Hist. Exch.* p 398. col. 1. l.

(*y*) *Ibid.* p 398. col. 2.

(*z*) *Ib.* p 399. col. 2. o.

(*a*) *Ibid.* p 399 col. 1.

(*b*) *Hist. Exch.* p 399 col 2. n. sub anno 14 H 2.

(*c*) Carta Comitis Reginaldi. Baronia Comitis Reginaldi talis est in Cornubia. Setting forth the several

Knights Fees of his Barony. Summa, cc & xv milites & tercia pars. *Lib. Rub. Scaccarii*, fol. 94. a.

(*d*) *Mag. Rot.* 14 Hen. 2. *Rot.* 10. a.

(*e*) Brien filius Rad[ulfi] debet c marcas, pro habendo recto de Baronia de Pettewurda, & de xv Militibus fefatis pertinentibus ad prædictam Baroniã, versus Henricum de Perci. Et
fi

ed of fifty five Knights Fees, the third part of a Knight, and other fractions of the Old Fesment; and of nineteen Knights Fees and certain fractions, of the New Fesment (*f*).

The *Honor* of *Gloceſtre* had Three hundred and twenty seven Knights, and a Tenth and a Twentieth part of a Knight (*g*).

In the reign of K *Henry* III and afterwards, the Barony of the Earl of *Warene* comprised Sixty Fees (*h*).

The Earl of *Ous* Fee or Barony of *Hasting* fixty two Fees and an half-fee (*i*).

The Earl of *Arundells* Barony Fourſcore and four Fees and an half (*k*).

The *Honor* of the Earl of *Clare* one hundred thirty-one Fees, and two parts, a third part, a fourth part, an eighth, a ninth, a tenth part, and two thirtieth parts of a Fee, of the Old Fesment, And nine Fees and the fourth part of a Fee of the New Fesment (*l*).

The *Honor* of *Eye* Fourſcore and ten Fees and an half of the Old

ſi prædictam Baroniam diſrationaverit, dabit cc marcas. *Mag. Rot. 6 Ric 1. Rot. 16. a. tit. Sudſexa.*

(*f*) P Wintonienſis Episcopus Cuſtos Reginaldi de Valletorta, debet xxxvii *l* & iii *s* & x *d*, de medietate Scutagii Honoris de Toteneis, ſcilicet de medietate de lv Militibus, & tertiae partis unius Militis, & sextae partis & dimidia, de Veteri Feſſamento.

Idem Vicecomes [Robertus de Veteri Ponte] reddit compotum de xxxvii *l* & iii *s* & x *d*, de altera medietate ejuſdem Honoris.

P Wintonienſis Episcopus debet xii *l* & xv *s* & i *d*, de medietate ejuſdem Honoris, de Novo Feſſamento, ſcilicet de medietate xix Militum, & xii^{ae} partis, & xx^{ae} partis.

Idem Vicecomes reddit compotum de xii *l* & xv *s* & i *d*, de altera medietate novi Feſſamenti ejuſdem Honoris. *Mag. Rot. 13 Job. Rot. 10. b. tit. Devenescira.*

(*g*) *Hiſt. Exch. p 445. col. 1. o. De*

Scutagio Scotiae anno 15 R Job.

(*h*) Comes Warennæ [debet] c & xx marcas de lx feodis de Baronia ſua. *Mag. Rot. 2 Hen. 3 Rot. 3. a. Sudſexia.*

(*i*) Comes de Augo [debet] c & xxv marcas de lxii feodis & dimidio de feodo de Hasting. *Mag. Rot. 2 Hen. 3. Rot. 3. a. Sudſexia.*

(*k*) Comes Arundell[iæ] reddit compotum de c & lxix marcis, de quater xx & iii feodis & dimidio: In theſauro liii *l* & vi *s* & viii *d*, Et debet lix *l* & vi *s* & viii *d*. *Mag. Rot. 2 Hen. 3. Rot. 3. a. Sudſexia.*

(*l*) Comes de Clara [debet] cc & lxiii marcas & xii *s* & viii *d*, de c & xxxi feodis & ii partibus, & tercia parte, & iii^a parte, & viii^a, & ix^a, & x^a parte, & ii^{bus} xxx^{mis} partibus i feodi. Et [debet] xviii marcas & dimidiam, de ix feodis & iii^a parte i feodi. *Mag. Rot. 2 Hen. 3. Rot. 3. b. Norf[olcia] & Suff[olcia], tit. De primo Scutagio Regis H tercii aſſiſo ad ii marcas.*

Old Fesment (*m*), and fourteen Fees and one quarter of a Fee of the New Fesment (*n*).

The Barony of *Perci* was rated at Thirty Knights Fees of the Old Fesment (*o*).

In the reign of K *Henry* II, the Archbishop of *Canterbury* was charged with Threescore Knights, which he owned; and with Nineteen more, which he disowned (*p*).

The Bishop of *Worcester* was feoffed, to hold by the Service of Sixty Knights. But in the Fifth year of K *Henry* II the Bishop disowned ten of the Knights of that number (*q*). But in the Second year of K *Henry* III, the Bishop of *Worcester* paid escuage-money for forty nine Knights Fees and a half (*r*).

The

(*m*) Falkeſius de Breautee [debet] c & quater xx & i marcā, de quater xx & x feodis & dimid[io], de feodis Honoris de Eya. *Mag. Rot. 2 Hen. 3. Rot. 3. b. Norf[olcia] & Suff[olcia]. tit. De primo Scutagio Regis H tercii affiſo ad ii marcas.*

(*n*) Hubertus de Burgo debet xxviii marcas & dimidiam, de xiiii feodis & quarta parte i feodi de Honore de Eya. *Mag. Rot. 2 Hen. 3. Rot. 3. b. Norf[olcia] & Suff[olcia], tit. De primo Scutagio Regis H tercii affiſo ad ii marcas.*

(*o*) Baronia de Percy de Veteri feſamento, xxx feoda. *Rot. Compotorum 30 Hen. 3. m. 2. b.*

(*p*) *Hiſt. Exch. p 439. col. 2. b.*

(*q*) Idem Vicecomes [viz. Willelmus de Bello Campo] reddit compotum de cc marcis de dono Episcopi Wireceſtrenſis; In theſauro liberavit in ii talleis, Et quietus eſt. Idem vicecomes reddit compotum de Scutagio Militum Episcopi de Wireceſtria, de lx Militibus de quater xx libris; In theſauro liiii l & xvii s & iiiii d in iii talleis; Et in Perdonis, per breve Regis x l ix s & iiiii d; Et debet xiiii l & xiii s & iiiii d. Sed calumpniatur x Milites.

Willelmus de Cardif reddit compotum de ii marcis de Scutagio.

Idem Vicecomes reddit compotum pe xli de dono Burgi de Wireceſtria. *Mag. Rot. 5 Hen. 2. Rot. 4 a. tit. Wireceſtreſcira.*

(*r*) De Scutagio affiſo ad ii marcas anno ii^o Regis H tercii.

Episcopus Wigornia reddit compotum de quater xx & xix marcis de eodem, de xlix feodis & dimidio. In Theſauro xx marcas, Et debet lxxix marcas. Idem reddit compotum de eodem debito, In theſauro x marcas, Et debet lxix marcas. Idem r c de eodem debito, In theſauro [x] marcas Et debet lix marcas. Idem r c de eodem debito, In theſauro xxxvii l & x s Et debet viii l & x s. Idem r c de eodem debito, In theſauro xlvi s & viii d Et debet x marcas. Idem r c de eodem debito, In theſauro iiiii marcas, Et in perdonis ipſi Episcopo vi marcas de iii feodis quæ Rex de ipſo tenet, Et Quietus eſt.

Idem Episcopus r c de xxi s & iiiii d de iiiii quintis feodi unius Militis quæ per oblivionem relaxatæ fuerunt de ſuperiori ſumma; In theſauro liberavit, Et Quietus eſt. *Mag. Rot. 2. Hen. 3 Rot. 4. a. Wigornia.*

The Bishop of *Norwich* was feoffed, to hold of the King and his heirs, by the Service of Forty Knights, or more. In the reign of K *Henry II*, the Bishop acknowledged the Service of Forty Knights, and Disowned all the rest (s).

The Abbot of S *Edmund* in *Suffolk* was feoffed in like manner. He also owned the Service of Forty Knights, and disowned the rest which he was charged with (t).

The Abbot of *Tavistok* was feft, to hold of the King and his heirs, by the Service of *so many* Knights. In the reign of K *Henry I*, it became doubtful by the Service of how many Knights the Abbot held. Whereupon K *Henry I* released to the Abbot all above Fifteen Knights Fees (u).

In the Twentyfixth year of K *Edward I*, Escuage for five Knights Fees was demanded of *Richard* Bishop of *Hereford*. It was found by Inquisition, that *Thomas* Bishop of *Hereford* the next predecessor, Did his Service for Five Knights Fees, in the Kings Army of *Wales*, to wit, by Two Knights for Two of the Five Knights Fees, and by six Esquires for the other Three Knights Fees, by each Knight and Esquire with a Covered horse. So the King commanded, that Bishop *Richard* be acquitted of the said Demand of Escuage (w).

The

(s) *Hist. Excheq.* p 398. col. 2. ad ann. 14 H 2.

(t) *Ibid.* p 398, col. 2.

(u) *Hist. Excheq.* p 451 col. 1. b.

(w) Baronibus pro eodem [Ricardo Herefordensi] Episcopo.

Quia Rex accepit per Inquisitionem quam per Vicecomitem Heref[ordiæ] nuper fieri fecit, quod Thomas nuper Herefordensis Episcopus defunctus, fecit Regi servitium suum per præceptum Regis, in exercitu Walliæ anno x^o apud Buel, pro quinque feodis Militum, videlicet per Johannem Tregoz & Johannem Daniel Milites pro duobus feodis Militum, & Thomam de la Mare Nicholaum Le Seculer Johannem de Hurtesleye Rogerum de Hurtesleye Johannem de Walford & Robertum leVenour Armigeros, pro tribus feodis Militum, videlicet per unumquemque ipso-

rum tam Militum quam Armigerorum cum uno Equo cooperto, & quod prædicti Johannes & Johannes, Thomas, Nicholas & Johannes Rogerus, Johannes & Robertus, servitium prædictum per xl dies plenarie continuarunt. Quod quidem servitium idem Episcopus in eodem exercitu Regis recognovit, sicut per inspectionem Rotulorum Maresc[alcie] de eodem exercitu Regi constat: Rex mandat Baronibus, quod Ricardum nunc Herefordensem Episcopum, de demanda quam ei fieri faciunt per Summonitionem Scaccarii, pro Scutagio ad opus Regis de quinque feodis prædictis, a tempore prædicto, pacem habere & ipsum quietum esse faciant. Teste Rege apud Chevelingham primo die Julii anno xxvi^o. *Trin. Communia* 26 Edw. 1. Rot. 88. in bund. 25 & 26 Edw. 1.

Pro

The Bishoprick of *Lincoln* Five Knights Fees (x).

In the Second year of K *Henry III*, the Bishop of *Ely* was charged with Forty Knights Fees, which he acknowledged, and with Twelve Knights Fees and a quarter of a Fee which he did not acknowledge (y).

The Bishop of *Winchester* was charged with Seventy four Knights Fees and a half. He admitted Sixty of them, and disowned the other Fourteen and a half (z).

The Knights Fees of the Abbey of *Westminster* were as it seemeth, two and twenty Fees, a half-fee and some fractions of Fees of the Old Fefment, and one Fee of the New Fefment (a).

The

Pro Ricardo Heref[ordenfi] Episcopo. — pro quinque feodis Militum. *Clausæ* 26 *Edw.* 1. m. 6.

(x) *Ib.* p 460. col. 2. o.

(y) De Primo Scutagio Regis H tercii affiso ad ii marcas.

Episcopus Elyensis debet xl marcas de xl feodis quæ ipse recognoscit se debere Regi, Et xxiiii marcas & dim[idi]am], de xii feodis & quarta parte unius feodi, quæ non recognoscit. *Mag. Rot.* 2 *Hen.* 3. *Rot.* 8. a. Cantebrig[fire] & Huntendonesfir[e].

(z) De Scutagio de Gannoc, Seuto affiso ad iii marcas: Idem Vicecomes r c de xl l de Abbate de Hyda, de xx feodis; Et de xls de Willelmo de Pontdelarch, de i feodo; Et de xls de Michaelle de Columb[ieres], de i feodo Elyæ Croc. Episcopus Wintoniensis [debet] c & xx l, de lx feodis quæ recognoscit: Idem debet xxix l de xiiii feodis & dimidio, quæ non recognoscit. Robertus de Sancto Johanne habet Quietantiam per breve Regis, de lv feodis Adæ de Portu. Petrus filius Hereberti habet Quietantiam per breve Regis, de ii feodis. *Mag. Rot.* 30. *Hen.* 3. *Sudhamt.* m. 1. b.

(a) Isti sunt qui servicium militis debent ecclesiæ beati Petri Westm[onasterii]. Dominus Rex tenet Stoches in Wirecestrefire, & inde debet [legendum debetur] servicium unius militis. Wil-

helmus de Bello Campo in Wirecestrefire vii militum. Hugo le Poher in Wirecestrefir[e] & Gloucestr[efire] iii milites. Petrus de Stodleg[a] in Wirecestrefir[e] unius militis. Walterus de Bello Campo in Wircestrefir[e] dimidii militis. Regin[aldus] de Steinlinge in Wirecestrefir[e] & Glocestrefir[e] ii milit[um]. Henricus de Novo Mercato in Wircestrefir[e] & Gloucestrefir[e] ii militum. Willelmus Folet in Wircestrefir[e] & Gloucestrefir[e] i militis. Walterus de Clifford debet in Wircestrefir[e] Servicium quintæ partis i militis pro una hida quam tenet. Willelmus Hacket in Wircestrefir[e] tenet unam hidam pro quinta parte militis. Omnes isti servicia Militum recognoscunt & faciunt secundum quod ad feoda sua pertinet. Comes Glouc[estriæ] in Gloucestrefir[e] debet Ser[vicium] duorum militum, quod fecit usque ad extremum exercitum Walliæ, sed postea deforc[iavit].

Rad[ulfus] de Munemue debet in Wircestrefir[e] & Gloucestrefir[e] ser[vicium] i militis, quod deforc[iat]. Walterus de Meine in Wircestrefir[e] servicium unius militis; Sed Willelmus de Stanton[a] qui feodum illud de eo tenet, medietatem deforciat. Ansgod Duredent in Buchinghamfire debet ser[vicium] dim[idii] militis. Walchelmus in Surreia debet Ser[vicium] terciæ partis

The Abbot of *St Edmund* in *Suffolk* had forty Feoffed Knights which he owned; and was charged with twelve Knights and a half more, which he disowned (b). But in the Second year of K *Henry III*, *John de Cornerde Custos* of the Abbey answered for the whole number of fifty two Knights Fees, a half, and a Fourth part of a Knights Fee (c).

The Abbey or *Barony* of *Peterburgh* Sixty Knights Fees (d).

The K had great Power over Knights Fees and Baronies.

IN ancient times, the Kings of *England* had a great Power over Baronial and Military Fees.

In the reign of K *Henry II*, in the Army sent against *Wales*, *Henry de Essex* was the King's Standard-bearer. Through Cowardise he let the King's Standard fall to the ground. This was an act contrary to the laws of Chivalry, Dishonourable to the King, and an encouragement to the Enemy. For this cause the

King

partis militis in *Estfex*[e]. Ricardus de Reimes ser[vicium] dim[idii] militis in *Middelfex*[e]. Walterus filius Roberti ser[vitium] unius militis, quod disforciat. Omnes isti vel antecessores eorum feodati sunt ex tempore Regis H, nullus vero postea. *There followeth in another but a coeval hand*, In *Hertfordshire* Willelmus de Bocland f[ervitium] i militis. *This is the account of the Knights Fees of the Abbey of Westminster, as they stood in the forepart of the reign of K Henry II. The Words just above cited are written in a hand of the reign of K Henry II, upon a spare-leaf viz. fol. 11 b, in a Manuscript Gospel. This Gospel is in Velom, in octavo-size, and is Written in a hand of the reign of K Henry II, as I judg by the character. I call it a Gospel; tho' it containeth not the whole Four Gospels, but Portions taken*

out of them. The Book is written in a fair strong hand. On the out side of the Cover at the beginning of the Book an ancient Crucifix of brass is fastned by iron nails or pins. The Covers of the Book are Wood. In July 1723 this Gospel was in the possession of Mr Thomas Martin of Thetford in Norfolk.

(b) *Hist. Exch.* p 398. col. 2. anno 14 H 2.

(c) Johannes de Cornerde [debet] c & v marcas & dim[idiam] de lii feodis & dimidio & quarta parte i feodi, de feod[is] Abbatiae Sancti Ædmundi de Scutagio Pictaviae, quam Abbatiam idem J habuit in custodia per Regem. *Mag. Rot. 2 Hen. 3. Rot. 3. b. Norf[olcia] & Suff[olcia] tit. De primo Scutagio Regis H tercii assiso ad ii marcas.*

(d) *Ib.* p 399 col. 2. n.

King seised into his own Hand the *Honor of Henry de Essex*, and caused him to be shorn a Monk (e).

The same K *Henry II* gave seifine to *Ralf de Mandevill* of the Barony of *Merfwude*, because he was a better Knight than his Elder Brother *Robert de Mandevill* (f).

In the reign of K *John*, *Robert de London* was disseised of his Rent in *Bacscete*, for concealing his Service [which he owed to the King] (g).

The Kings Power over Baronies.

K *Edward I.* seised into his own hand the Barony of the Abbot of *Shrewsbury*, for a Contempt done to the King. Afterwards for a Fine of fifty marks, the King pardoned and remitted to the Abbot the Wrath and Indignation which he had conceived against the Abbot, and ordered his Barony to be restored. Whereupon, by a Close-writ of the Great Seal, the King commanded the Sherif of *Shropshire*, to give the Abbot seifine or restitution of his said Barony, with all the issues thereof from the time of seifing the same into the King's hand (h).

Seifure of Land for default of doing Service.

IF Barons or Tenants by Knight-service did not perform their Services, the King for the time being seized their *Fee* into his own hand.

This was done in the several cases following: to wit, in the case of *Tomas de Costentin* (i).

In

(e) *Bradys Hist. of England* p 299. E.

(f) *Hist. Exch.* p 339. col. 1. q.

(g) *Hist. Exch.* p 340. col. 1. e.

(h) Rex per finem quinquaginta marcarum, quem Abbas Sallopiae fecit cum Rege; remisit & perdonavit eidem Abbati omnem indignationem & animi rancorem, quos Rex erga ipsum conceperat, pro contemptu quem Regi fecisse dicebatur, per quod Rex Baroniam suam capi fecit in manum suam & baroniam illam ei reddidit.

Et mandatum est Vic[ecomiti] Sallop[ie] quod eidem Abbati de Baronia prædicta cum pertinentiis, & omnibus inde perceptis, a tempore captionis ejusdem in manum Regis, plenam restitutionem sine dilatione habere faciat. Teste ut supra. [viz. Teste Rege apud Westm[onasterium] xx^o die Junii]. *Originale* 6 *Edw.* 1. m. 21.

(i) *Tomas de Costentin* & *Ysabel* uxor ejus debent v marcas, pro habenda terra sua in *Burton*, quam *Robertus*



In the seventh year of K *Richard I*, *Walter de Niewentons* land was seized into the King's hand upon default of paying Relief (k).

And *Malger le Vavasur* was disseised of his Land, for not going with the King into *Ireland*, to do Service in the Army there (l).

The King's Subjects likewise used to distrain for arreres of Service (m).

The King often found occasions to seize mens Lands and Tenements into his own hand; namely for Contempts, and Trespasses of divers kinds.

K *Edward I*, in or about the Seventh year of his reign, sent for *Nicolas de Weston*, to come to him about certain business concerning which the King desired to speak with him. *Nicolas* did not think fit to come; but defaulted; as one that would make no return to the Kings Writ directed to him. Afterwards, *Nicolas* was found in the King's Court, and examined touching the said Contempt which he had done to the King. *Nicolas* well knowing he could not prove himself innocent of the said Trespass, submitted himself to the King's Will. Whereupon the King prefixed him a Day to appear at the Parliament to be holden in the Quinzime of Easter then next, to hear the Kings Will. *Nicolas* came at the Day; and by reason of certain arduous business, the King could not then find leisure to declare his Will; but adjourned him from that Parliament, to the Parliament to be holden three weeks after Michaelmas then next. At that Day *Nicolas* did not think fit to attend; adding one Contempt to another. Hereupon, the King by a close Writ under his Great Seal, commanded

tus de Girros frater prædictæ Ysabellæ dedit in maritagio eidem Tomæ cum prædicta Ysabel, quæ capta fuit in manum Regis per Vicecomitem pro defectu servitii, quod idem Robertus debuit Regi de prædicto tenemento, & unde idem Robertus habuit faisinam ut dicit. *Mag. Rot. 9 Job. Rot. 1. a. tit. Salopeskira, Tomas de Erdinton, ut Custos, Vicecomes.*

(k) *Hist. Exch. p 217. col. 1. b.*

(l) *Hist. Exch. p 461. col. 2. y. anno 12 Job. R.*

(m) *Willelmus de Champell reddit compotum de ii marcis, ut Oliverus de Traci summoneatur ad essendum Londoniæ, ostensurus quare vendidit averia ipsius Willelmi, pro servitio quod ab eo exigit, & quod ipse non recognoscit. In thesauro liberavit, Et Quietus est. Mag Rot. 5 Job. Rot. 6. a. tit. Devenescira. Nova Oblata.*

manded the Sherif of *Northamptonshire*, to seize forthwith all the lands and tenements of *Nicolas* within the said Sherifs bailiwick, into the Kings hand, and safely keep the same, untill *Nicolas* came to the King, and satisfied him for the said Trespass (n).

Whether the Ancient Kings of *England* exercised this Prerogative, of which I have been now speaking, in their Lands purchased, or acquired by Exchange or such-like new title, I will not at present determine.

In ancient times it was counted a great Trespass, for any man to

(n) Cum Rex nuper mandasset Nicolaum de Weston, pro aliquibus negotiis suis, super quibus Rex secum loqui volebat, & ipse ad mandatum Regis venire dignatus non esset, set supersederit, tanquam ille qui nullum responsum facere voluit ad breve Regis sibi directum; & postmodum cum prædictus Nicolaus inventus fuisset in Curia Regis, & ad rationem positus de prædicto contemptu quem Regi fecerat, perpendens quod super transgressione illa innocentiam suam purgare non potuit, posuerit se inde ad voluntatem Regis, per quod Rex præfixit ei diem ad Parliamentum suum, in quindena Paschæ tunc proximo futura, ad audiendum voluntatem Regis. Ad quem diem venit; & Rex tunc propter alia negocia ardua intendere non potuit ad dicendum sibi voluntatem Regis; per quod eum adjornavit ab illo Parlamento usque ad Parliamentum tunc proximo sequens, videlicet a die Sancti Michaelis proximo præterito in tres septimanas; ad quem diem venire non dignabatur, Regi contemptum super contemptum faciendo: Mandatum est Vicecomiti Northamt[oniæ], quod omnes terras & tenementa prædicti Nicolai in balliva sua, sine dilatione capiat in manum Regis, & ea salvo custodiat, donec idem Nicolaus ad Regem venerit, & Regi satisfecerit de transgressi-

onibus supradictis. Teste Rege apud Westm[onasterium] xv die Novembris. *Originale 7 Edw. 1. m. ult. in ipso imo. The Word Nicolaum is written in the Roll in the Accusative.*

Rex omnibus ad quos &c. salutem. Sciatis, quod cum capi præceperimus in manum nostram, omnes terras & tenementa & omnia bona & catalla omnium & singulorum nobis contrariantium in diversis Com[itatibus], & ea commiserimus diversis custodibus custodienda ad opus nostrum, ita quod nobis inde respondeatur; assignaverimusque quinto die Marcii prox[imo] præterito dilectum & fidelem nostrum Humfridum de Waleden, ad supervidendum terras & tenementa illa, & ad ordinandum de eisdem quod salvo & sufficienter custodiantur. Assignavimus jam eundem Humfridum, ad inquirendum per sacramentum proborum & legalium hominum, de Com[itatibus] Norf[olciæ] Suff[olciæ] Essex[ia] Hertf[ordia] & Kanc[ia], *what Lands & tenements goods and chatells had been taken into the King's hands, in form aforesaid, and the value thereof. So the King commands them to be intendant and respondent to Humfrey in the premisses.* In cujus rei testimonium &c. Teste W de Norwyco Custode Officii Thes[aurarii] nostri, xviii^o die Marcii. *Hil. Commissions 15 Edw. 2. Rot. 4. b.*

to invade or disturb the Kings seifine. So it was in the reigns of KK *Henry II*, *Richard I*, and *John*.

From hence sprung Writs of Actions or Intrusion (o).

In or about the eight and twentieth year of K *Edward III*, *Humfrey de Bobun* Earl of *Essex* and *Hereford* sued *Thomas de la Ryvere* Sherif of *Wiltshire* in the Exchequer, for that he the said *Thomas* attached the Earl at his Manor of *Suthewyk*, to appear at the Assises at *New Saresbiry*, to answer unto *William de Stafford* and *Alice* his wife, in an Assise of Novel Disseifine of the said Manour, and that the said *Thomas* gave Jurours a View of the Manour, and seifed it into the Kings hand with the goods and chatells found in the said Manour. Whereupon the Earl appeared at *New Saresbiry*, with his Servants and others of his Counsel, being ready to answer for the said Disseifine. And that the said *Thomas* did not return any Writ at the said Assises, and said that he had received no Writ touching the premisses. The Defendant *Thomas* came and pleaded, that he did not attach the said Earl, nor seife the said Manour into the Kings hand, nor gave any Jurours View of the Manour, nor had any Writ or Warrant to do the premisses. Issue is joined thereon. Tryal is had. The Jurours brought in a Verdict for the Earl in all points; and gave him for Damages c marks. *Thomas de la Ryvere* is arrested by the Sherifs of *London* for this Trespass, and by the Court is committed to the Fleet-prison. The Earl gave the Clerks of the Office of Pleas lxs of the said Damages; Which was paid to
Robert

(o) Suff[olcia]. Willelmus Man attachatus fuit ad respondendum Domino Regi & Ricardo de Fileby Clerico, quare cum ipse Dominus Rex per Litteras suas patentes commisisset eidem Ricardo custodiam de Kyngesmersh juxta Jernemuth, Habendam quamdiu Regi placeret reddendo inde per annum tantum quantum alii qui custodiam illam ante ipsum Ricardum habuerunt pro eadem annuatim reddere consueverunt, prædictus Willelmus dictum locum vocatum Kyngesmersh auctoritate sua propria & absque

Waranto ingressus est, & exitus & proficua inde provenientia percepit, & de die in diem percipit &c.

Et unde idem Ricardus dicit quod prædictus Willelmus a quinto decimo die Februarii anno Regis hujus primo, usque nunc, hujusmodi exitus & proficua de prædicto Kyngesmersh, ut de pastura herbagio & turbar[ia] & aliis hujusmodi proficuis provenientia, ad valentiam xxxl super seifinam Regis cepit & occupavit, & penes se adhuc detinet, & hujusmodi exitus & proficua ibidem de die in diem occupat quo minus

Robert de Charwelton Clerk of the Pleas. And *Thomas* made Fine to the King for the said Trespas (p).

Barons

minus idem Ricardus de firma custodia prædictæ Regi respondere potest, in contemptum Domini Regis &c. & ad dampnum ipsius Ricardi x*l*. Et hoc offert &c.

Et prædictus Willelmus venit, & defendit omnem contemptum & transgressionem &c. Et dicit quod prædictus locus vocatus Kyngesmersh non est Domini Regis set Comitis Riche[m]ond[iæ], & ipse Willelmus nichil clamat habere ibidem, neque de solo neque alio modo. Et dicit ulterius præcise, quod ipse nullos exitus seu proficua aliqua de prædicto loco de Kyngesmersh provenientia super seisinam Regis occupavit seu occupat. Et de hoc ponit se super patriam. Et prædictus Ricardus dicit, quod idem Willelmus dictos exitus & proficua occupavit & adhuc occupat, ut superius versus eum narravit. Et hoc petit pro Rege quod inquiratur &c. Et ipse Willelmus similiter. Ideo præceptum est Vicecomiti; quod venire faciat hic in Octabis Sancti Michaelis xii &c. per quos &c. Et idem dies datus est partibus. *Placita coram Baronibus 3 Edw. 3. Rot. 27. a.*

(p) Wyltes[ia]. Pro Humfrido de Bohun Comite Essex[iæ] & Herefordiæ.

Humfridus de Bohun Comes Essex[iæ] & Herefordiæ venit coram Baronibus, per Johannem de Longedon Attornatum suum, vº die Octobris hoc anno, & queritur per Billam de Thoma de la Ryvere Vicecomite Wyltes[iæ], præsentem in Curia eodem die, de eo videlicet quod cum idem Thomas colore officii sui, die Jovis proximo post festum Purificationis beatæ Mariæ Virginis anno xxviº & nunc, attachiavit præfatum Comitem apud Manerium suum de Suthewyk,

effendi apud Novam Saresburiam, die Lunæ proximo post festum Sancti Mathiæ Apostoli tunc proximo sequens, coram Willelmo de Sharesull & Sociis suis Justiciariis Regis ad Assisas in Comitatu prædicto capiendas assign[at]is, ad respondendum Humfrido filio Johannis de Stafford & Aliciæ uxori ejus, in una assisa novæ disseisinæ de Manerio prædicto, de quo fecit Jur[at]ores] visum habere, & illud in manum Regis seisivit, unacum bonis & catallis inibi inventis; quo prætextu idem Comes venit apud Novam Saresburiam, cum servientibus & pluribus aliis de Consilio suo, super disseisinam prædictam responsur[us], prædictus Thomas aliquod breve inde coram præfatis Justiciariis non retornavit, nec retornare voluit, sed dixit se nullum breve inde habuisse, in contemptum Regis, ac dampnum ipsius Comitis cc*l*. Et hoc offert &c.

Et prædictus Thomas defendit dampnum & quicquid &c. Et dicit quod ipse præfatum Comitem non attachiavit, nec dictum Manerium suum in manum Regis seisivit, neque Jur[at]ores] visum de Manerio prædicto habere fecit, nec aliquod breve seu warrantum ad præmissa facienda habuit, prout ei imponitur. Et de hoc ponit se super patriam; Et prædictus Comes similiter. Ideo fiat inde Jurata. Et præceptum est Coronatoribus quod venire faciant hic a die Sancti Martini in xv dies xii &c. de visneto Manerii de Suthewyk, quorum quilibet &c. per quos &c. qui nec &c. ad recognoscendum &c. Et idem dies datus est partibus. Et continuato placito isto usque a die Sancti Hillarii in xv [dies] anno xxixº Regis nunc, sicut continetur alibi in hoc Rotulo, inter placita hujus Terminii, & etiam in

D d

Rotulo

Barons to be amerced before the King.

IN or about the two and fortieth year of K *Henry III*, several persons are amerced before *H de Bretton* a Justice in Eire in *Devonshire*, to wit, *Richard Bauzain* and others. They were

Com-

Rotulo placitorum hujus Scaccarii de dicto anno xxix^o inter placita de Termino Sancti Michaelis, quo die prædictus Comes per prædictum Attornatum suum venit; & prædictus Thomas pluries vocatus non venit. Ideo capiatur Inquisitio per ejus defaultam. Et Coronatores retornarunt breve, & nomina Juratorum &c. Et ipsi non venerunt. Ideo datus est dies præfato Comiti ulterius a die Paschæ in xv dies. Et quia prædictus Thomas de la Ryvere amotus est ab officio suo &c. præceptum est Vicecomiti quod distringat Juratores &c. Et præter illos octo tales &c. Ita &c. ad eundem diem, vel interim coram Jacobo Hufee Barone hujus Scaccarii apud Troubrygge, die Sabati in tertia septimana quadragesimæ proximo futuro; Ita quod Inquisitionem inde habeat hic ad prædictam quindenam Paschæ. Præceptum est etiam præfato Vicecomiti quod distringat præfatum Thomam &c. Ita &c. ad eundem diem, ad audiendum veredictum Inquisitionis prædictæ, si sibi viderit expedire. Et dictum est præfato Comiti quod expectet ibidem dictum diem Sabbati.

Ad quem diem prædictus Comes venit per prædictum Attornatum suum. Et prædictus Jacobus Hufee Baro hujus Scaccarii liberavit hic quandam Inquisitionem, coram eo apud Troubrigg prædicto die Sabbati in tertia Septimana xl^æ anno xxix^o Regis nunc in præmissis captam in præsentia præfati Comitis per Michaellem Skyllyng Attornatum suum ibidem comparentis, per sacramentum Johannis

de Holte, Willelmi Bedeston, & aliorum Juratorum, quorum nomina annotantur in pannello brevis. Qui dicunt super sacramentum suum, quod prædictus Thomas nuper Vicecomes colore officii sui, die Jovis proximo post festum Purificationis beatæ Mariæ anno xxvi^o Regis nunc, attachiavit prædictum Comitem apud Manerium suum de Southwik, essendi apud Novam Saresburiam die Lunæ proximo post festum Sancti Mathiæ Apostoli tunc proximo sequens, coram Willelmo Sharehull & Sociis suis Justiciariis Regis ad Affisas in Comitatu prædicto capiendas assignatis, ad respondendum Humfrido filio Johannis de Stafford & Aliciæ uxori ejus, in una affisa novæ disseisinæ de Manerio prædicto, de quo fecit Jurat[ores] visum habere, & illud in manum Regis seifivit una cum bonis & catallis ibidem inventis. Et dicunt quod prædictus Thomas de la Ryvere non habuit aliquod breve seu warantum ad præmissa facienda; ad dampnum prædicti comitis Centum marcarum. Et prædictus comes petit Judicium super veredicto Inquisitionis &c. Et habita super præmissis deliberatione &c. Consideratum est quod prædictus Comes recuperet versus præfatum Thomam de la Ryvere dampna sua ut præmittitur ad c marcas taxata; & quod idem Thomas pro transgressione prædicta, capiatur &c. Et prædictus Comes dat Clericis lxs de dampnis prædictis. Et præceptum est Vicecomitibus Londoniæ quod capiant præfatum Thomam &c. Ita &c. in Craftino Ascensionis Domini. Ad quem

Commoners; and are all affeered (that is, their *misericordia* is reduced to a certain summ) before the said Justice in Eire. On the other part, several persons are amerced before *S de Wauton* a Justice in Eire in the Counties of *Cambridge* and *Huntingdon*. Many of these were Barons. But though these Barons were *put in mercy* in the said Eire, their Amercements were to be affeered (or, the summ of each amercement to be ascertained) before the King. These Barons were, the Priour of the Hospital of *Jerusalem*, *Reginald Fitz-Pier*, and others named in the Cedula (*q*).

Accordingly, they were affeered before the King [in his Chancery, as it seemeth]. In this Cedula the names of the Barons seem to be written in one hand, and the summs at which they were

quem diem prædicti Vicecomites retornarunt, quod ceperunt præfatum Thomam &c. & ipsum miserunt hic sub custodia sua &c. Et idem Thomas pro transgressione prædicta committitur prisonæ de Flete, ibidem moraturus quousque &c. Et prædictus Comes per Johannem de Depeden Attornatum suum ac denarios prædictos nomine prædicti Comitis recipiendos, & acquietancias inde faciendas, sicut continetur in Rotulo placitorum de anno xxix^o termino videlicet Paschæ, venit & cognovit quod satisfactum est ei de quater xx & xv marcis & dimidia de c marcis prædictis. Et Robertus de Charwelton Clericus placitorum hujus Scaccarii, cognovit sibi satisfactum esse de lxs, residuis de Centum marcis prædictis. Et idem Thomas fecit finem cum Rege pro transgressione prædicta, per xxvis viiid; quorum finis & cognitionis prætextu, idem Thomas deliberatur a prisona prædicta & eat in præmissis quietus. *Placita coram Baronibus 28 Edw. 3 Rot. 3. a.*

(*q*) Amerciamenta de Affis capitis in Comitatu Devonia coram H de Bretton.

De Ricardo Bauzain pro injusta de-

tentione versus Henricum filium Durandi, xx solidi.

De Roberto de Morchesull pro dissaifina versus Magistrum Johannem de Plymton, c solidi.

De Johanne de Oylterne de Fine suo pro falso clamore versus Ricardum de Mewy, x solidi; per plegium Nicolai le Bastard.

De Idonea de Hiwys pro dissaifina versus Walterum de Hiwys & Aliciam uxorem ejus, x solidi.

De Ricardo le Copenor de Fine suo pro transgressione, i marca.

This Cedula is endorſed in a Coeval hand, Hanc cedulam recepit Philippus Lovel Thesaurarius Domini Regis xxiiii die Aprilis anno xlii, per manus Henrici de Wengeham Cancellarii.

The next membrane beginneth thus.

Isti subscripti amerciandi sunt coram Domino Rege, videlicet de Itinere Magistri S de Wauton in Comitatibus Canteburgia & Huntindonia.

De Priore Hosp[italis] Sancti Johannis Jerusale[m] in Anglia, pro deff[alta], xl. In Rotulo, Middelfex.

De Reginaldo filio Petri pro falso clamore, xl. In Rotulo, Suhamtonia.

De

were amerced in another hand and fresher ink. The names of the Barons might be written by a Clerk employed in the Eire, and the summs by a Clerk employed in the Chancery or superior Court.

In the eighth year of K *Edward I*, *Almaric de Seint Amand* was amerced in the Court of *Kings Bench* as a Baron (r).

In the seventeenth year of K *Edward I*, the Abbot of *Furneus* was amerced before *R de Hengham* Justice assigned to hold the Kings Pleas in divers Counties, and was afterwards affeered before

De Petro de Monte Forti pro pluribus deff[altis], x*l*. In Rotulo Warr. & Leyc.

De Willelmo de Say pro injusta detencione, xx marcæ. In Rotulo, Midd.

De Ricardo de Clare Comite Gloucestræ pro deff[alta], xx*l*. Glouc. in Rotulo.

De Fulcone filio Warini pro eodem x marcæ. Gloucestræ, In Rotulo.

Item de Itinere ejusdem in Comitibus Buk. & Bed.

De Thoma de Greley pro diff[eisina] xx*l*.

De Willelmo de Bello Campo de Bedefordia, quia non venit, & pro contemptu, x*l*.

De Priore Hospit[alis] Sancti Johannis Jerusalem in Anglia, pro pluribus transgressionibus, xx marcæ.

De Willelmo de Bello Campo de Eton pro transgressionibus, x marcæ. *To the names of the Four Persons amerced in this Iter it is added, Bed. & Buk. in Rotulo.*

Item de Itinere ejusdem in Comitatu Staffordia.

De Griffino de Bromfeld, pro defalta & pluribus transgressionibus, xx marcæ.

De Philippo Marmiun, quia cepit catalla sine waranto, c*s*.

De Thoma Corbet, pro pluribus transgressionibus, x marcæ. *To the names of these three persons amerced*

in Staffordshire, it is added in the margin Salop. & Staff. in Rotulo.

Item de Itinere ejusdem apud Herefordiam.

De Fulcone filio Warini, pro defalta v marcæ. In Rotulo, Glouc.

De Petro Hereford[ensi] Episcopo, pro falso clamore, xx*l*. In Rotulo, Herefordia.

Item de amerciamentis coram eodem in Comitatu Kancia.

De Priore Hospitalis Sancti Johannis Jerusalem in Anglia, pro disseisina, xx marcæ.

Item de amerciamentis coram Egidio de Erdinton.

De Hunfrido filio Hunfridi de Boun pro contemptu, x marcæ. *These two last are marked in the margin, In Rotulo, Herefordia.*

Item de amerciamentis coram S de Wauton in Comitatu Norhamtonia.

De Priore Hospitalis Sancti Johannis Jerusalem, pro disseisina, xx marcæ.

This Cedula is endorsed, Examinatur; And at a distance, H de Bracton or Bratton; and ix Ro. ubi J; and, Nulli sunt Fines aut alia debita nisi amerciamenta, quæ perdonantur. Ex Cedula autographa in Archivo Rememoratoris Thesaurarii.

(r) Wyltes[cira]. Almaric de St Amand against Robert Boland. *In Trespass* quare pratum & blada sua depasti fuerunt

before the King, as appeared by the Cedula of the Amercements of Barons returned into the Exchequer (s).

In the Twentysecond year of K *Edward I*, *Theobald de Verdon* was amerced in the Court of *Kings Bench* as a Baron (t).

In the Seventeenth year of K *Henry VII*, *Thomas West*, Chivaler, Lord *De la Warre*, was put in Mercy in the Court of Exchequer, and was there affeered as a Baron (u).

Of

fuerunt. *Verdict for the Defendant.* Ideo conf[ideratum] est quod prædicti Robertus & alii eant inde sine die. Et prædictus Almaricus nichil capiat per breve istud, set sit in misericordia pro falso clamore. *In the margin of the Roll, right against the Judgment written, Baro. Mich. Plac. coram Rege 7 incipiente 8 Edw. 1. Rot. 22.*

(s) Abbas de Furneus [debet] xxi pro falso clamore, sicut continetur in quadam cedula de Baron[ibus] amerc[iatis], tach[iata] Rotulo de amerciamermentis coram R de Hengham Justiciario ad placita Regis in diversis Comitatus annis xviii. *Mag. Rot. 18 Edw. 1. tit. Lancastris, m. 2 a.*

(t) Essexia, Leycestria. *In a Writ of Errour;* Vicecomes mandavit quod scire fecit prædicto Johanni le Grey & Matillidi uxori ejus, per Willelmum de Haveringe & Simonem le Wodeward, quod essent coram Rege hic &c. Et ipsi venerunt, & similiter prædictus Theobaldus de Verdun venit; & inceperunt placitare &c. Postea prædictus Theobaldus solempniter vocatus non venit. Ideo ipse in misericordia, &c. *In the Margin is written, Baro. Mich. Plac. coram Rege 21, incipiente 22 Edw. 1. Rot. 19. a.*

(u) Middlesexia. Thomas West Miles Dominus de la Warre attachatus fuit per breve hujus Scaccarii, essendi hic modo die Lunæ vicesimo nono die Novembris hoc Terminis, ad respondendum Thomæ Comiti Sur[re]iæ, Thes[aurario] Scaccarii Domini Regis nunc, in placito debiti &c.

Et modo ad prædictum diem Lunæ, venit hic prædictus Comes per Thomam Caundys Attornatum suum. Et prædictus Thomas West per Thomam Broke Attornatum suum similiter venit hic. Et unde prædictus Comes queritur versus præfatum Thomam West, de eo quod prædictus Thomas West ei debet & injuste detinet sexaginta libras argenti; Et pro eo injuste, quod cum Johannes nuper Dux Norf[olciæ], pater prædicti Thomæ nunc querentis, fuisset seifitus in Dominico suo ut de feodo & jure, vicesimo primo die Augusti, anno regni dicti Domini Regis nunc primo, & diu antea, de Castro Baronia honore Dominio Villa & Burgo de Brembre alias Bramboratte, cum omnibus suis membris & pertinentiis, in Comitatu Suffex[iæ]; ac de Maneriis de Kyngesbernes, Bedyng, Westgrynsted, Knapp, & Walschyngton, cum suis pertinentiis, in eodem Comitatu, ac de & in Villis & Burgis de Shorham & Horfeham, cum eorum pertinentiis, in eodem Comitatu, Et etiam de foresta Sancti Leonardi, & de Parcibus de Beanbush & Knapp, cum eorum pertinentiis, Et de hundredis de Brytford, Stenyng, Grenestede, Burbech, & Wyndeham, & dimidio hundredo de Esfeyth, ac etiam de dimidio hundredo de Fysfhergate, cum eorum pertinentiis, in dicto Comitatu Suff[exiæ]; Et ipse Johannes sic inde seifitus, de tali statu de præmissis postea, videlicet vicesimo secundo die ejusdem mensis Augusti dicto anno primo Regis nunc, obiit

E e seifitus;

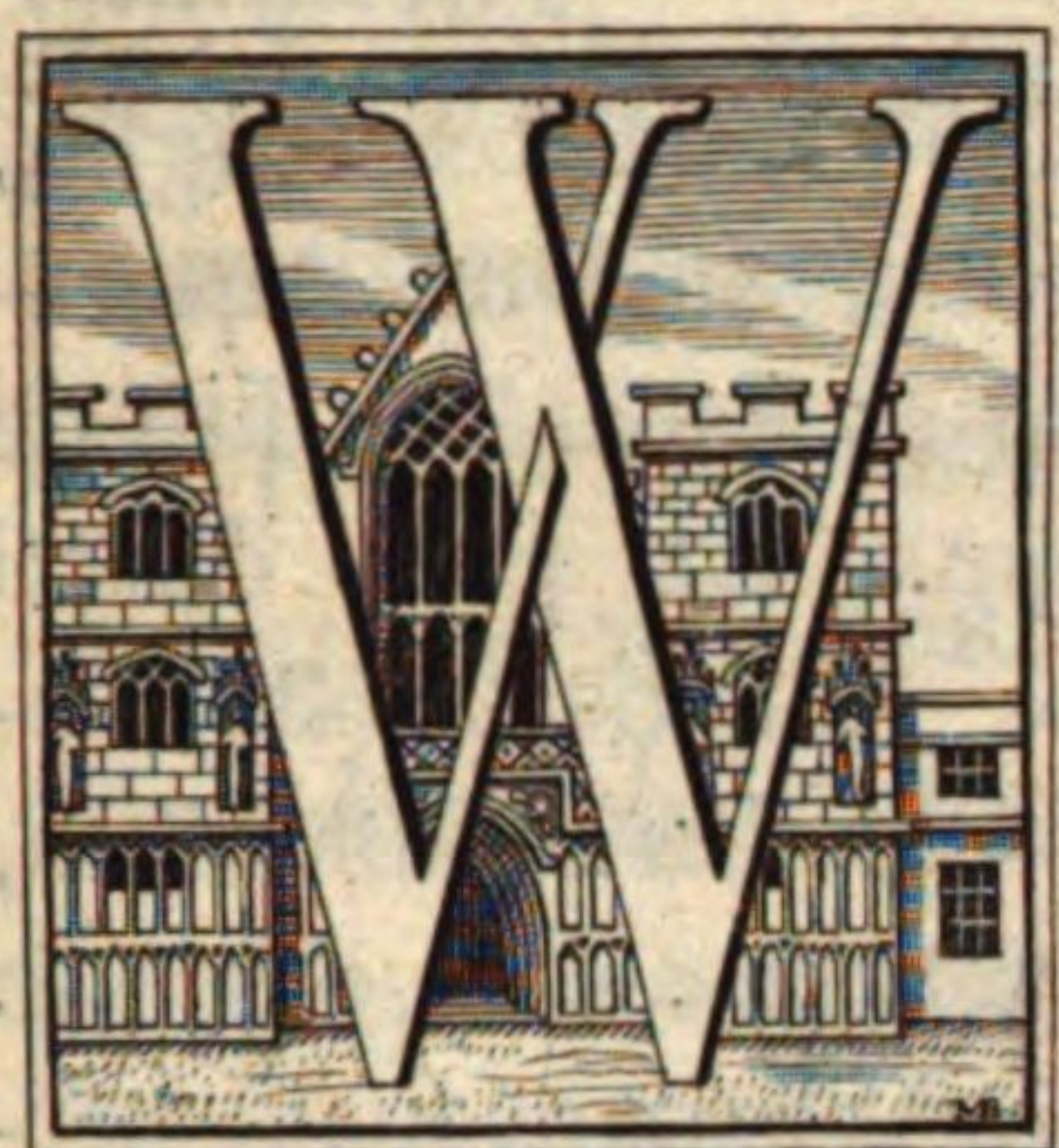
Of the phrase amerciatur ut Baro.

IF a Commoner was to be amerced for a small trespass, he might be amerced at xs, xxs, xls; or more, as the nature of his trespass required. But if a Baron was to be amerced for a small Trespass, his amercement was wont to be cs at the least. He might be amerced at more, not at less. This, I think, was the meaning of the terms *amerciatur ut Baro*, *to be amerced as a Baron.*

seifitus; post cujus mortem Castrum Baroniam Honor Dominium Villa & Burgus de Brembre prædicta, ac cætera omnia & singula præmissa, cum singulis eorum membris & pertinentiis, descenderunt ac descendebant eidem Comiti nunc querenti, ut filio & hæredi prædicti nuper Ducis; Et postea per quendam actum in Parlamento dicti Domini Regis nunc apud Westmon[asterium], septimo die Novembris anno regni sui primo, tento, editum, de avisamento & assensu Dominorum spiritualium & temporalium, ac Communitatis hujus regni Angliæ, in eodem Parlamento tunc congregatorum, ac auctoritate ejusdem Parlamenti, eodem septimo die Novembris ordinatum inactitatum adjudicatum & declaratum fuit, inter alia, quod præfatus Johannes nuper Dux Norf[olciæ], & ipse Thomas nunc querens, per nomen Thomæ Comitis Surr[eiæ], inter alios pro diversis considerationibus in eodem actu declaratis & contentis, starent & essent convicti & attincti de alta proditione, & dishabilitati, & abjudicati ab omni honore statu dignitate præheminencia, & a nominibus eorundem, & quod ipsi forisfacerent eidem Domino Regi omnimoda Castra, Maneria, Dominia, hundreda, franchiseas, libertates, privilegia——. *By virtue of this Attainder, the King was seised in fee; and by his Patent-Letter granted the same to the Lord de la Warre*

*in fee, at the yearly Rent of Fifty pounds. The Plaintiff replies, and pleads Restitution. There is a Demurrer in Law, and Joinder. Super quo visis & perlectis omnibus & singulis præmissis per Barones prædictos, & ad plenum intellectis, Consideratum est per Barones prædictos, quod prædictus Comes recuperet versus præfatum Thomam West debitum suum prædictum sexaginta librarum prædictarum, & dampna sua ultra misas & custagia sua per ipsum circa sectam suam prædictam in hac parte, apposita occasione injustæ detentionis debiti illius, ad sexaginta solidos, per Jurat[ores] prædictos superius assessi[a], & promissis & custagiis illis ad sexaginta sex solidos & octo denarios, per Jurat[ores] prædictos superius similiter assessa; quæ quidem summæ in toto se attingunt ad summam sexaginta sex librarum sex solidorum & octo denariorum, & quod prædictus Thomas West pro injusta detentione in misericordia. Et quia idem Thomas West Baro existit, ideo afferatur per Barones prædictos ad Centum solidos ut Baro. Et super hoc pro executione in præmissis fienda, ad petitionem prædicti Comitis, dictus Dominus Rex——; *A Writ of Elegit issued. Afterwards the Earl acknowledged satisfaction upon this Record. Placita coram Baronibus 17 Hen. 7. Rot. 25. a.**

CHAPTER VI.



WHEN the King for the time being charged his Barons or Knights with Service or Prestation, he constantly dealt with them according to Justice and Honour. On the other side, the Barons and Knights did sometimes deal slyly and unfairly with the King. They took advantage of the ignorance or negligence of his Officers, to defraud or deceive him.

In the ninth year of K *Henry III*, it was found by an Inquisition, that *Walter de Clifford* held of the King in chief by the Service of one Knight, and not by Barony (*w*).

Abbots non tenentes per Baroniam, ut dixerunt.

IN the tenth year of K *Edward I* an Escuage ran for the Kings Army of *Wales*. The Abbot of *St Austin* of *Canterbury* was charged with Escuage-money for that Army, at *xls per scutum* (or *per Knights Fee*), for fifteen Knights Fees. In the sixteenth year of *Edward II*, the Abbot came by his Attorney, and pleaded, That he (the Abbot) ought not to be charged either with the said Service of fifteen Knights, or with Escuage-money for that Service, in regard the said Abbot and his Predecessours, time out of mind, held all their lands and tenements, as well those holden in *Demeane* as those holden in *Service*, of the King and his Ancestours Kings of *England*, by the Service of one Knight only, and not of fifteen Knights; and that the King and his Ancestours time out of mind were not at any time seised of more or other Service, from the Abbot or his Predecessours, for their said lands and tenements, than of the Service of one Knight only. And that the Abbot of *St Austin*, in the said tenth year of K *Edward I*, did his Service for one Knights Fee in the Kings Army of *Wales*; for proof whereof, he voucheth the Rolls of the *Mareschalsy* for that

(*w*) *Hist. Exch. p. 218. col. 1. a.*

that Army. He also produceth a Close-writ of the *Great Seal*, whereby the King ordereth the Treasurer and Barons of his Exchequer, to do Right to the Abbot upon his Case (x).

Alexander

(x) Kancia. Memorandum quod cum exigantur per Summonitionem de Pipa in Kancia, xxxl, de Abbate Sancti Augustini Cantuar[iæ], de Scutagio Walliæ de anno regni Regis E patris Regis nunc decimo, de quindecim feodis Militum, videlicet pro scuto xls, modo super compotum Vicecomitis Kanciæ redditum hic hoc Termino, Willelmus de Cotes Attornatus prædicti Abbatis venit hic, & dicit quod idem Abbas de servicio pro quindecim feodis prædictis, nec de scutagio pro eodem servicio, onerari non debet, quia dicit quod idem Abbas tenet, & prædecessores sui Abbates loci prædicti, a tempore quo non extat memoria, tenuerunt omnes terras & tenementa sua ad prædictam Abbatiam spectancia, tam in dominico quam in servicio, de Domino Rege nunc & progenitoribus suis Regibus Angliæ, per servitium unius feodi Militis tantum, & non per servitium quindecim feodorum Militum; Et quod Dominus Rex nec aliqui Progenitorum suorum, umquam a tempore cujus contrarii memoria [non] existit, seisciti fuerunt de præfato Abbate seu prædecessoribus suis, ratione terrarum & tenementorum suorum prædictorum, de alio servicio quam de servicio unius feodi Militis tantum. Et hoc petit verificare qualitercumque Curia &c. Dicit etiam, quod Abbas loci prædicti, dicto anno xº fecit servitium suum pro uno feodo Militis in exercitu Walliæ eodem anno; & super hoc vocat rotulos Marefcalc[iæ] de eodem exercitu ad warrantum. Similiter idem Willelmus protulit hic breve Domini Regis de Magno Sigillo suo, quod est irrotulatum inter Communia de hoc anno, in hæc ver-

ba. Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, Thesaurario & Baronibus suis de Scaccario salutem. Ex parte dilecti nobis in Christo Abbatis Sancti Augustini Cantuar[iæ] nobis est ostensum, quod licet ipse teneat omnia terras & tenementa sua ad Abbatiam suam pertinentia, quæ de nobis tenentur tam in dominico quam in servicio, per servitium unius feodi Militis tantum, præfatusque Abbas & prædecessores sui Abbates loci illius, a tempore quo non extat memoria, hucusque terras & tenementa prædicta in dominico & servicio, de nobis & Progenitoribus nostris Regibus Angliæ, per prædictum servitium unius feodi Militis tantum, & non per majus servitium, tenuerint, & nobis & eisdem Progenitoribus nostris, temporibus exercituum ipsorum Progenitorum & nostrorum, scutagium pro uno feodo Militis tantum & non amplius, pro eisdem terris & tenementis fecerint; Vicecomes noster Kanciæ nichilominus triginta libras de Scutagio, pro quindecim feodis Militum, de exercitu Domini E quondam Regis Angliæ patris nostri Walliæ, anno Regni sui decimo, de præfato Abbate pro terris & tenementis prædictis, ac si ea per servitium quindecim feodorum Militum tenuisset, cum non teneat, per Summonitionem Scaccarii prædicti exigere, & ipsum Abbatem per prædictum Vicecomitem distringi facitis, minus iuste, in ipsius Abbatis dispendium non modicum & gravamen. Et quia eidem Abbati injuriari nolumus in hac parte, Vobis mandamus, quod si per inspectionem Rotulorum & Memorandorum Scaccarii prædicti, per Inquisitionem, vel alio modo

Alexander de Swereford saith, that the Abbot of *St Austin* held fifteen Knights Fees (y).

The Abbot of *St Austin* had great success in defrauding the King of his Services. The Abbot, it seems, had been feoffed to hold by the Service of fifteen Knights. Of those fifteen, he found means to conceal Twelve; and answered to the King for three only. In the fourth year of K *Edward I*, a General Muster of the Kings Army that was to march against *Scotland* was made at *Twedemuth*. There, the Barons Knights and Tenants by Warlike Sergeanties made their *Profrum Servitiorum*, their *Profer of Services*, before the Deputy-Constable and the Mareschall of the Kings

modo legitimo, vobis constare poterit, prædictum Abbatem terras & tenementa sua prædicta, tam in servitio quam in Dominico, de nobis & eisdem Progenitoribus nostris, per prædictum servitium unius feodi Militis tantum, tenere, ipsumque & Prædecessores suos prædictos, dictas terras & tenementa, tam in servitio quam in dominico, de nobis & eisdem Progenitoribus nostris per prædictum servitium unius feodi Militis tantum & non per majus servitium tenuisse, & nobis & dictis Progenitoribus nostris scutagium pro uno feodo Militis tantum, & non amplius, pro terris & tenementis prædictis fecisse, ut prædictum est, tunc recepto ab eodem Abbate eo quod ad nos pertinet de scutagio de uno feodo Militis prædicto, nisi idem Abbas servitium suum pro uno feodo eidem patri nostro tunc fecerit, ipsum Abbatem de dictis triginta libris pro quindecim feodis Militum coram vobis in Scaccario prædicto exonerari, & prout justum fuerit quietum esse, faciatis. Proviso, quod si idem Abbas ad solutionem dictarum triginta librarum, ratione aliqujus custodiæ, escaetæ, vel alia quacumque occasione faciendam teneatur, ulterius fiat quod fieri debet. Teste meipso apud Stowepark, xviii^o die Januarii anno regni nostri sexto-decimo. Et prædictus Willelmus pe-

tit, quod prætextu brevis prædicti fiat justitia præfato Abbati in hac parte. Et quia Curia plenius vult deliberare super præmissis, idem Willelmus adjornatur usque quindenam Paschæ, & idem Abbas interim habet respectum. Ad quem diem prædictus Willelmus venit, & propter causam præmissam adjornatur ulterius usque quindenam Sancti Michaelis. Ad quem diem prædictus Willelmus venit, & ex causa præmissa adjornatur ulterius usque Crastinum Purificationis beatæ Mariæ. Postea prædictus Willelmus prævenit diem, & adjornatur ulterius usque quindenam Paschæ. *Mich. Communia* 16 *Edw. 2. Rot. 12. a.*

Abbas S Augustini [debet] xx marcas, Pro habenda Perambulatione de Rectis Divisis inter Baroniam S Augustini, & Baroniam Archiepiscopatus & Prioratus Cantuariæ, & inter alias vicinas Baronias. *Mag. Rot. 11 Joh. Rot. 1. b. Kent.*

(y) *Hist. Exch. p 436. col. 1.*

De Finibus & Scutagiis ad Primam Transfretationem Regis in Britanniam Scuto affiso ad iii marcas: Abbas de Sancto Augustino reddit compotum de lx marcis, de fine pro passagio, & scutagio xv feodorum; In thesauro liberavit, Et Quietus est. *Mag. Rot. 14 Hen. 3. tit. Residuum Kancie; post Wygorniam, m. 2. b.*

Kings Army. Amongst others the Abbot of *St Austin* profered his Service by three Knights; and it was accepted.

In the year of K *Edward* I, the Abbot of *St Austin* paid Es- cuage to the King for three Knights Fees, for the Army that was to act against the *Scots*. And at length in the aforefaid fixteenth year of K *Edward* II, the Abbot of *St Austin* had confidence e- nough to plead in the Court of Exchequer, that he held all his Lands by the Service of one Knight.

Abbot of Leicester, &c.

SO also in the thirtieth year of K *Edward* I, the Abbot of *Leicester*, insisted, that he did not hold his Abbey by Ba- rony or part of a Barony (z). And in the fifteenth year of K *Ed- ward* III, (a) the Abbot of *Crouland* alleged, that he did not hold

(z) Pro Abbate & Conventu Ley- cestriæ. Rex omnibus ad quos præsen- tes Literæ pervenerint, salutem. Sci- atis quod cum Malculmus de Harlegh nuper Escaetor noster citra Trentam defunctus, post mortem Willelmi quondam Abbatis Leycestriæ, asserens Abbatiam illam per Baroniam seu par- tem Baroniam de nobis teneri in capite, palefridum & cuppam ejusdem defun- cti, de fratre Willelmo nunc Abbate ejusdem loci ceperit ad opus nostrum; Nosque, ad prosecutionem dicti Ab- batis, asserentis dictam Abbatiam per Baroniam, seu partem Baroniam, non de nobis teneri in capite, & nobis sup- plicantis, sibi justitiam fieri in hac par- te, Mandaverimus Thesaurario & Ba- ronibus nostris de Scaccario, quod scrutatis Rotulis dicti Scaccarii nostri, utrum videlicet dicta Abbatia tenetur de nobis in capite per Baroniam, vel aliquam partem Baroniam, per quod di- ctus Abbas & Successores sui ad hujus- modi servitia nobis facienda teneretur, & utrum prædecessores sui Abbates e- jusdem loci, hujusmodi servitia no- bis aut Progenitoribus nostris quondam Regibus Angliæ facere consueverunt

necne, [&] nos inde sub sigillo ejus- dem Scaccarii distincte & aperte redde- rent certiores; ac ipsi nobis significa- verint, quod scrutatis Rotulis prædictis non invenitur in eisdem quod idem Abbas aliquid de nobis teneat per Ba- roniam, vel aliquam partem Baroniam, per quod ipse ad hujusmodi servitia nobis facienda teneatur, nec quod præ- decessores sui Abbates ejusdem loci, hujusmodi servitia nobis aut Progeni- toribus nostris facere consueverunt; Nolentes quod prædicti Abbas & Con- ventus seu Successores sui, ratione cap- tionis prædictorum palefridi & cuppæ graventur in hac parte, concessimus e- is, quod captio illa sibi non cedat in præjudicium seu trahatur in consequen- tiam temporibus futuris; set quod ii- dem Abbas & Conventus, & Successo- res sui prædicti, a præstatione hujus- modi palefridi & cuppæ de cætero pe- nitus sint quieti. In cujus &c. Teste Rege apud Westm[onasterium], xii^o die Novembris. *Pat. 30 Edw. 1. m. 1. a.*

(a) Pro Abbate de Crouland de ex- emplificatione. Rex omnibus ad quos &c. salutem. Inspeximus tenorem re- cordi

hold by Barony or part of a Barony; so that he ought not to be amerced as a Baron.

He

cordi & processus cujusdam Inquisitionis factæ nuper coram Thesaurario & Baronibus de Scaccario Domini E nuper Regis Angliæ patris nostri anno regni sui quintodecimo, quem coram nobis in Cancellaria nostra venire fecimus in hæc verba. Excellentissimo Principi ac Domino suo reverendo Domino Edwardo Dei gratia Regi Angliæ illustri Domino Hiberniæ & Duci Aquitaniæ devoti sui Custos officii Thesaurarii Scaccarii sui & Barones sui de eodem Scaccario fidele semper obsequium cum omni reverentia & honore. Breve vestrum de Magno Sigillo vestro nuper recepimus in hæc verba. Edwardus Dei gratia Rex Angliæ Dominus Hiberniæ & Dux Aquitaniæ Custodi Officii Thesaurarii Scaccarii sui & Baronibus suis de eodem Scaccario salutem. Cum nuper ad prosecutionem dilecti nobis in Christo Abbatis de Croiland nobis suggerentis ipsum terras vel tenementa aliqua per Baroniam vel partem Baroniam nec per aliquod servitium, per quod tanquam Baro amerciari deberet, non tenere, ipsumque coram Justiciariis nostris de Banco ad quadraginta marcas & alias ad decem marcas, nec non in itinere Johannis de Vallibus & Sociorum suorum Justiciariorum Domini E quondam Regis Angliæ Patris nostri ultimo itinerantium apud Lincolniam tanquam Baronem minus rite amerciatum fuisse; Vobis mandaverimus per breve nostrum, quod scrutatis libro nostro de feodis, Rotulis & aliis Memorandis dicti Scaccarii, quæ in hac parte forent scrutanda inquisitaque super tenencia præfati Abbatis plenius veritate, si vobis legitime constare posset, quod præfatus Abbas per Baroniam vel partem Baroniam vel per aliud servitium, per quod tanquam Baro amerciari debe-

ret, quodque iidem Abbas & prædecessores sui servitium aliquod nobis aut Progenitoribus nostris in exercitiis nostris & suis non fecissent, tunc id, quod in hac parte per præfatos Justiciarios de Banco minus provide factum extitit, sine dilatione corrigi, & præfatum Abbatem de eo quod per hujusmodi surreptionem per eosdem Justiciarios nostros de Banco indebite onerabatur, exonerari, prout justum foret, faceretis; Proviso quod si contingeret ipsum Abbatem de dictis amerciamentis ad dictum Scaccarium exonerari, tunc per pares suos juxta tenorem Magnæ Cartæ ex causis præviis ad opus nostrum amerciaretur. Nos, ex certis causis certiorari volentes de eo quod inde factum est coram vobis ad Scaccarium prædictum, Vobis mandamus quod nos inde sub Sigillo dicti Scaccarii distincte & aperte reddatis sine dilatione certiores, ut nos super hoc plenius certiorati ulterius in hac parte fieri faciamus, quod de jure & secundum legem & consuetudinem regni nostri fuerit faciendum. Teste meipso apud Westm[onasterium] xii^o die Novembris anno regni nostri quintodecimo. Prætextu cujus brevis mittimus vobis sub Sigillo ejusdem Scaccarii vestri recordum & processum coram nobis inde habitos annotatos in Memorandis ejusdem Scaccarii vestri de anno regni vestri quartodecimo inter Recorda de Terminis Paschæ, quorum tenor sequitur in hæc verba. Adhuc Communia de terminis Paschæ anno quartodecimo. Adhuc Recorda. Dominus Rex mandavit hic breve suum de Magno Sigillo quod est inter Communia de hoc anno in hæc verba. Edwardus Dei gratia Rex Angliæ Dominus Hiberniæ & Dux Aquitaniæ Thesaurario & Baronibus suis de

de Scaccario salutem. Cum nuper ad querelam dilecti nobis in Christo Abbatis de Croiland nobis suggerentis, ipsum terras vel tenementa aliqua per Baroniam vel partem Baronie nec per aliquod aliud servitium, per quod tanquam Baro amerciari debeat, non tenere; ipsumque coram Justiciariis nostris de Banco ad quadraginta marcas & alias ad decem marcas tanquam Baronem minus rite amerciatum fuisse, ac dictas pecuniarum summas ab ipso Abbate per Summonitionem dicti Scaccarii exactas fuisse minus iuste; Vobis mandaverimus quod scrutatis libris nostris de feodis, rotulis & Memorandis de dicto Scaccario, quæ ex hac causa videritis fore scrutanda, si per inspectionem eorundem vel etiam per Inquisitionem per vos inde faciendam vel alio modo legitimo vobis constare posset, quod prædictus Abbas non teneat de nobis per Baroniam vel partem Baronie, nec per huiusmodi servitium, per quod tanquam Baro amerciari deberet, nec quod ipse aut Prædecessores sui servitium aliquod nobis aut Progenitoribus nostris Regibus Angliæ in exercitibus nostris fecerint, tunc prædictum Abbatem de hiis, de quibus per huiusmodi surreptionem indebite extitit oneratus, faceretis, prout iustum foret, exonerari; ac jam acceperimus, quod vos pro eo, quod invenistis quendam Abbatem de Croiland Prædecessorem prædicti Abbatis inter Barones semel amerciatum fuisse in itinere Johannis de Vallibus & Sociorum suorum Justiciariorum apud Lincoln[iam,] ultimo itinerancium, quamquam dictus Prædecessor suus alias in eodem itinere coram præfatis Justiciariis inter homines de Communitate Comitatus juxta tenorem Magnæ Cartæ & non tanquam Baro extitit amerciatus, nichil inde hucusque facere curavistis. Et quia amerciamenta prædicta sunt facta Curie & non partis per quod parti de ju-

se non debet præjudicari: Nolentes præfatum Abbatem per huiusmodi amerciamenta voluntaria contra statum suum & tenenciam suam in exheredationem Ecclesiæ suæ indebite onerari, Vobis mandamus iterato, quod scrutatis libro rotulis & Memorandis prædictis, & inquisita super tenencia præfati Abbatis plenius veritate, modis & viis, quibus inde poteritis, plenius informari, utrum videlicet teneat per Baroniam vel partem Baronie, vel per aliquod aliud servitium, per quod tanquam Baro amerciari debeat, & utrum idem Abbas seu Prædecessores sui servitium aliquod nobis aut Progenitoribus nostris in exercitibus nostris & eorundem Progenitorum nostrorum facere consueverint necne. Et si vobis legitime constare poterit quod idem Abbas nichil teneat per Baroniam vel partem Baronie vel per aliud servitium, per quod tanquam Baro amerciari debeat, quodque ipse & prædecessores sui servitium aliquod nobis aut Progenitoribus nostris prædictis in exercitibus nostris & suis hæcenus non fecerint, prædicto amerciamento in itinere prædicto comperto non obstante, tunc id, quod in hac parte per præfatos Justiciarios de Banco minus provide factum existit, sine dilatione corrigi, & præfatum Abbatem de eo, quod per huiusmodi surreptionem per Justiciarios nostros de Banco indebite oneratur, exonerari, prout iustum fuerit, faciatis. Proviso quod, si contingat ipsum Abbatem de dictis amerciamentis ad dictum Scaccarium exonerari, tunc per pares suos juxta tenorem Magnæ Cartæ prædictæ ex causis præviis ad opus nostrum amercietur. Teste meipso apud Westm[onasterium] xviii^o die Maii anno regni nostri quarto decimo. Prætextu cujus brevis Thesaurarius & Barones hujus Scaccarii tricesimo die Maii convocarunt prædictos Justiciarios de Banco & alios de Consilio Regis ad faciendum quod dictum mandatum exigit

git & requirit. Et iidem Justiciarii requisiti qualem evidenciam habuerunt ad inferendum nomen prædicti Abbatis inter nomina Baronum, dicunt quod aliam evidenciam non habuerunt, nisi quod idem Abbas putabatur Baro. Et habita super præmissis deliberatione per eosdem de Consilio concordatum est, quod iterum scrutentur liber de feodis rotuli & alia vetera Memoranda hujus Scaccarii hujusmodi amerciamenta tangentia, necnon rotuli Marefcalciæ tam de exercitibus Regis nunc quam Progenitorum suorum. Præterea concordatum est per eosdem, quod inquiretur de tenencia prædicti Abbatis. Et mandatum est Vicecomiti Lincolnæ quod venire faciat hic a die Sancti Johannis Baptiste in xv dies, vel coram Lamberto de Trikingham & Waltero de Friskeneye Baronibus hujus Scaccarii, vel coram altero eorum, si prius ad partes illas venerint vel venerit, xii tam Milites gladio cinctos quam alios probos & legales homines de balliva sua, per quos rei veritas in præmissis melius sciri poterit & inquire, & quorum quilibet habeat Centum solidatas terræ vel redditus per annum ad minus, & qui prædictum Abbatem nulla affinitate vel alio modo attingant, ad certificandum eosdem Barones super contentis in mandato prædicto. Et datus est dies eidem Abbati effendi hic ad eandem quindenam ad audiendum & faciendum quod &c. Et injunctum est Rememoratoribus hujus Scaccarii, qui dicta Memoranda habent in custodia, quod ea celeriter & diligenter interim scrutari faciant &c. Ad quem diem idem Abbas venit, & quia Juratores non venerunt, idem Abbas adjornatur usque quindenam sancti Michaelis. Et quoad Juratores præceptum est Vicecomiti quod distringeret &c. Ita &c. ad eandem quindenam vel coram W de Norwico & præfatis Lamberto & Waltero Baroni-

bus &c. vel duobus eorum &c. postea capta fuit inde Inquisitio coram præfatis Lamberto & Waltero de Friskeneye apud Sanctum Botolphum, die Jovis proximo post festum Sancti Michaelis anno Regis nunc xvº, tam per Milites quam per alios, quam iidem Lambertus & Walterus liberarunt hic ad Scaccarium, quæ est inter brevia de termino Sancti Michaelis dicto anno xvº; in qua continetur, quod dictus Abbas non tenet aliquas terras vel tenementa de Domino Rege per Baroniam vel aliqualem partem Baroniam; nec idem Abbas nec Prædecessores sui aliquod servitium Domino Regi faciunt, nec unquam fecerunt, per quod debeant amerciari ut Barones; Et quod idem Abbas seu Prædecessores sui nunquam aliquod servitium Domino Regi vel Progenitoribus suis in exercitibus suis fecerunt, seu facere consueverunt. Scrutatis etiam libro de feodis rotulis & aliis Memorandis hujus Scaccarii non est alicubi compertum, quod prædictus Abbas & Prædecessores sui prædicti aliquo tempore Regis nunc seu aliquorum Progenitorum Regis amerciati fuerunt, tanquam Barones, præterquam in dicto itinere Johannis de Vallibus & Sociorum suorum Justiciariorum apud Lincolniam itinerantium &c. coram præfatis Justiciariis de Banco ut præmittitur; nec quod idem Abbas seu Prædecessores sui teneant seu aliquo tempore tenuerunt aliquas terras seu tenementa per Baroniam seu partem Baroniam, per quod tanquam Baro amerciari debet, nec quod idem Abbas seu Prædecessores sui prædicti Regi nunc aut Progenitoribus suis quibuscunque aliquod servitium in exercitibus suis aliquo tempore fecerunt. Et habita super præmissis deliberatione pleniori per Barones, quia in dicto mandato Regis continetur, quod si eisdem Baronibus per Inquisitionem vel alio modo legitimo constare poterit prædi-

*He held of the King per Baroniam ut de Honore
Leicestria.*

THIS Distinction solveth several of the doubts which the Abbot of *Leicester*'s allegation hath given men occasion to invent (b).

At length, *William* Abbot of *Leicester* obtained of K *Edward* III, a Charter to be exempted from coming to Parliament (c).

Non tenet per Militiam.

IN process of time, several of the *Religious* found-out another piece of art. They insisted that they held all their Lands and tenements in Frankalmoigne, and not by Knight-service. This allegation

etum Abbatem seu prædecessores suos prædictos nichil tenere per baroniam seu partem Baronie vel per aliquod servitium, per quod tanquam Baro amerciari debeat, non obstante dicto amerciamiento in itinere J de Vallibus &c. tunc id, quod per præfatos Justiciarios de Banco minus provide factum est, sine dilatione corrigi, & ipsum Abbatem de eo, quod per eosdem Justiciarios de Banco oneratur, exonerari faciant, ut est justum; concordatum est per eosdem Barones prætextu brevis scrutinii & Inquisitionis prædictorum, quod idem Abbas exoneretur de prædictis amerciamendis, ad quæ amerciatu fuit coram præfatis Justiciariis de Banco tanquam Baro, videlicet de quadraginta marcis & decem marcis. Proviso quod idem Abbas amercietur secundum formam in Magna Carta contentam, valeat dominatio vestra reverenda per tempora diuturna. Scriptum apud Westmonasterium ix^o die Februarii anno regni vestri quinto-decimo. Nos autem tenorem recor-

di & processus Inquisitionis prædictæ ad requisitionem dilecti nobis in Christo Abbatis de Croilond tenore præsentium duximus exemplificandum. In cujus &c. Teste Rege apud Westm[onasterium] xxviii^o die Octobris. *Pat. 15. Edw. 3. pars 3. m. 12. a.*

(b) Dominus Simon de Monte Forti, postea propter inobedientiam suam erga Regem, exhæreditatus & exlegatus cum filiis suis. Et Comitatus Leycestrensis cum honore de Hyncleye, datus est Ranulfo Comiti Cestrensi. Set Simon filius dicti Simonis de Monte Forti post mortem patris sui in Angliam rediens, ex dono Regis recuperavit hæreditatem suam de Comitatu & honore prædictis. Set Rex reservavit sibi & hæredibus suis solum patronatum Abbatie Leycestrensis & Prioratus de Kynelworthia. *Knyghton inter x Scriptores, col. 2347.*

(c) Cartam quoque de non veniendo ad Parliamentum pro se & successoribus suis de Rege adquisivit. *Knyghton inter x Script. col. 263 i. nu. 20.*

legation was used with success by the Abbot of *Leycester* (d), the Priour of *Novel-lieu* without *Staunford* (e), and the Abbot of *Pippewell* (f).

There was another Device practised both by the Clergy and Laity to wrong the King of his Services and Dues. It was this. When the Summonces *ad habendum servitium* had been issued, several of the Barons and Knights would appear before the Constable and Marshall of the King's Host, and would Profer one Half, a third, or may-be a Smaller Part of their due Service. The Constable and Marshall, for want of better information, oftentimes admitted those unfair Profers; being probably in hast to complete their Army, and to march against the enemy. And when those fallacious Profers had been repeated, they served to make precedents against the King; insomuch that the Baron would afterwards come into one of the Kings Courts, and allege that

(d) Warr[ewicscira], Leyc[estrescira], Norhamt[escira]. Pro Abbate Leycestriae.

The Abbot is charged with the Aid, viz. de auxilio Domino Regi nunc [Edwardo III] anno regni sui vicesimo concessio, ad Primogenitum filium ipsius Regis Militem faciendum, viz. die Lunæ proximo post festum Nativitatis B Mariæ.

The Abbot pleadeth, That he holds all his lands and tenements in villis prædictis in puram & perpetuam elemosinam—, & non per servitium militare; so that he is not chargeable to do any Knight-service, or to pay any Aid pour faire Fitz chivaler for the same. The Court of Exchequer giveth Judgment, That the Abbot be acquitted of the demand made on him for the Aid. This Pleading filleth ten Rolls. Placita coram Baronibus 25 Edw. 3. Rot. 67. In the Rolls here following, the Charters of the Abbot of Leicester are enrolled at large. They are many and long.

(e) Lincoln[scira]. Pro Priore de Novo Loco extra Staunford. A De-

mand was made on the Priour for Aid ad Primogenitum filium Militem faciendum. The Priour cometh into the Exchequer and Pleadeth, quod ipse tenet omnia terras & tenementa sua in villis prædictis in puram & perpetuam elemosynam], & non per servitium Militare—. The Court giveth Judgment for the Priour. Ideo consideratum est, quod prædictus Prior de iis iii d prædictis exoneretur, & quietus existat, prætextu præmissorum. Placita coram Baronibus 25 Edw. 3. Rot. 60.

(f) Norhamteshire. Pro Abbate de Pippewell. *The Abbate is sued for his quota of an Aid ad Primogenitum filium Militem faciendum, granted anno xx Regis Edwardi 3. The Abbot allegeth in his Pleading, quod ipse tenet in libera elemosyna, & non tenet per servitium Militare. There is no Judgment entred on this Roll. Placita coram Baronibus 25 Edw. 3. Rot. 57. a. In the Rolls here following, the Charters of the Abbot of Pippewell are enrolled at large.*

that his due Service was but *so much*, and that he did that Service in such an Army, and again in such an Army, as appeared by the Rolls of the Marechalſey of the King's Armies, or by Certificate from the Conſtable or Mareſhall of thoſe Armies. And ſo the Baron was uſually acquitted againſt the King even at the Exchequer, for all Service beſides that which he had profered and performed in the King's Armies. For example. At the General Muſter of the King's Army at *Twedemuth* in the fourth year of K *Edward* I, the Earl of *Cornwall* profered his Service for his whole Barony to be done by three Knights. Which Profer was accepted. As if the Earl of *Cornwall's* Barony conſiſted of no more than three Knights Fees.

By theſe means (ſeveral others cauſes not here mentioned concurring), in proceſs of time it became very Doubtful, for what number of Knights Fees each Baron and Tenant in Chivalry was answerable. When the King ſummoned his Barons and Knights, ſtraitway a doubt aroſe about the Quantity of their Service. Where the Kings Officers charged twenty Knights Fees, perhaps the Baron ſo charged admitted of no more than three or five Knights Fees. In like manner, in relation to Aids and Eſcuages. If the King's Officers demanded Eſcuage for forty Knights Fees, perhaps the Baron of whom it was demanded, pretended to pay Eſcuage for no more than five or ten. When Things were brought to this State, the Kings of *England* loſt a great Part of the Service of the Shield, which was due from their Barons and Knights. This proved to be a matter of no light conſequence. It produced a great Alteration in the Kingdom of *England*. For then, the Kings of *England* could no longer aſſeſs and levy their Aids and Eſcuages in the old Seignourial way, namely in the method which had been uſed in the reigns of K *Henry* II, K *Richard* I, and K *John*. Thenceforth they could do nothing of this nature effectually, but by *Common Counſel* and *Conſent*. They found it neceſſary to call their Barons, Prelates, Tenants *in capite*, and others, to a *Treaty* or *Parley*, in order to ſettle and adjust all Payments by Common Accord: It being a known Maxime, That Conſent taketh away Errour. This ſeemed to be the caſe. About that time, it became a general opinion amongſt men, that if they conſented they were answerable, if they did not conſent, they were

were not answerable, for the Prestation or Payment charged on them.

In the first year of K *Edward II*, *Walter de Stapledon* Bishop elect of *Exeter*, one of the Executours of *Thomas Button* or *Bitton* late Bishop there, complained to the King in his Council, that whereas the said Deceased died before the time, when the Earls Barons and Communities of Counties of *England* granted to the King for his Subsidy a *twentieth* of their moveable goods, and the Citizens and Burgeses of *England*, and the Tenants of the ancient Demeane of the Crown a *fifteenth* of their moveable goods, and that the Deceased was never in his life-time requested to grant the King the said Subsidy, nor gave his consent to the Grant thereof; That nevertheless the Taxours and Collectours of the said *twentieth* and *fifteenth* in the County of *Devon*, taxed the goods and chatels which the said Deceased had on the Day of his death in that County to the said *twentieth* or *fifteenth*, and went-about to levy the same, unjustly. The King being willing to have Justice done in the case, did by a Writ issuing out of his Exchequer, command the said Taxours and Collectours, that as to the goods and chatells whereof the Deceased was solely possessed on the day of his Death, and constantly afterwards untill after the time when the said Subsidy was granted to the King, they should wholly forbear to levy the said Subsidy on those Goods and Chatells untill the Fortnight after Easter then next, that then either in Parliament or where else the King should think fit to appoint, it might be finally discussed what was rightfully to be done in the Case (g). Several others used the like Allegation *mutatis mutandis*,

(g) *Devonia*. Rex Tax[atoribus] & Coll[ectoribus] xx^{mae} & xv^{ae} in Comitatu *Devoniae* salutem. Monstravit nobis Magister *Walterus de Stapledon* Electus *Exoniensis*, exec[utor] testamenti bonae memoriae T nuper Episcopi loci praedicti, pro se & coexecutoribus suis dicti testamenti, quod licet dictus defunctus diem suum clauserat extremum priusquam Comites Barones & Communitates Comitatum regni nostri nobis vicesimam bonorum suorum mobilium, necnon Cives Burgenfes e-

jusdem regni nostri ac tenentes de antiquis dominicis Coronae nostrae Angliae quintamdecimam bonorum suorum mobilium, nobis in subsidium nostrum gratanter concessissent, nec idem defunctus uncquam in vita sua ad hujusmodi subsidium nobis praestandum fuisset requisitus, nec dictae concessioni nobis factae consensum adhibuisset. Vos tamen bona & catalla quae dictus defunctus habuit die quo obiit in Comitatu praedicto, ad vicesimam vel quintamdecimam praedictas taxare, & vice-

H h

simam

tandis, to wit, *quia non assensit*, and were thereupon discharged by the Court of Exchequer, of the respective summs demanded of them: For example, the Abbess of *Shafton* (*b*), the Prior of *Bruton* (*i*), the

simam vel quintam decimam inde levare non omittitis, minus iuste. Super quo supplicavit nobis electus prædictus pro se & coex[ecutoribus] suis prædictis, quod eis remedium inde dignaremur exhibere. Et quia volumus quod justiciæ complementum fiat inde, Vobis mandamus quod levationi vicesimæ vel quintædecimæ, de illis bonis & catallis quæ vobis sufficienter constare poterit integraliter fuisse dicti defuncti die quo obiit, & postea continue usque post concessionem nobis a dicta Communitate regni nostri factam ut prædictum est, Ita quod aliquo colore nullus alius quam exec[utores] prædicti aliquid juris seu proprietatis habuit tunc temporis in bonis & catallis illis, seu aliqua parte eorundem, nec etiam ipsi executores nisi ratione executionis testamenti prædicti inde faciendæ, supersedeatis omnino usque a die Paschæ proximo futuro in xv dies, ut tunc in Parlamento nostro vel alibi ubi Rex duxerit ordinandum, finaliter discutiantur, quod de jure in præmissis fuerit faciendum. Et si quid de bonis prædictis occasione prædicta levaveritis interim restituatis executoribus prædictis. Et quid inde feceritis scire faciatis Thesaurario & Baronibus de Scaccario nostro apud Westmonasterium ad diem prædictum, hoc breve tunc remittentes ibidem. Teste Thesaurario xxx die Martii. Per consil[ium]. *Hil. Brevia* 1 *Edw.* 2. *Rot.* 97. a.

(*b*) Wiltes[cira] *The Abbess of Shafton was in the like case for a* None. *The Judgment of the Court is*, Ideo consideratum est quod prædicta Abbatisa de *xil/xiiiis viiid ob.* de dicta summa *xil/xvis id*, ab ea exactis in dicto Comitatu Dor[setiæ], exoneretur & quieta existat prætextu præmissorum.

Et quod de *xvi d ob.* resid[uis] remaneat onerata, pro terris & tenementis de novo adquisitis in Henlegh; & quod veniat hic ad ostendendum, si quid pro se habeat vel dicere sciat, quare terræ & tenementa de novo adquisita in manum Regis seifiri non debent. *Placita coram Baronibus* 28 *Edw.* 3. *Rot.* 61.

(*i*) Somers[eta]. Dominus Rex mandavit hic breve suum de Magno Sigillo suo, quod est inter Communia de anno *xviiº*, termino videlicet Sancti Michaelis, in hæc verba. Edwardus Dei gratia Rex Angliæ & Franciæ & Dominus Hiberniæ, Thesaurario & Baronibus suis de Scaccario salutem. Cum nuper, pro eo quod in ultimo Parlamento nostro concordatum extitit, quod religiosi & alii viri ecclesiastici, qui ad Parliamentum nostrum apud Westm[onasterium] ad diem Mercurii proximum post diem Dominicam in medio quadragesimæ, anno regni nostri Angliæ quartodecimo tentum, ubi Prælati Comites Barones, & Communitas ejusdem regni, ad idem Parliamentum summoniti, nonam garbam nonum vellus & nonum agnum nobis pro expeditione quorundam negotiorum nostrorum in partibus transmarinis, concesserunt, summoniti non fuerunt, nec hujusmodi nonam nobis concesserunt, & qui decimas nobis per ipsos prius concessas de temporalibus suis spiritualibus suis annexis, quæ ad decimam inter eadem spiritualia anno regni Domini E quondam Regis Angliæ avi nostri vicesimo taxata fuerunt, solverunt, de solutione nonæ prædictæ pro prædictis temporalibus suis sic ad decimam taxatis penitus exonerentur, quodque de terris & tenementis per ipsos religiosos & alios viros ecclesiasticos,

the Abbess of Godestowe (k), the Prior of Luffeld, *Placita coram Baronibus* 28 Edw. 3. Rot. 31. Buk.

The Prior of Angleseye, Ibid. Rot. 42. a. Hertf.

The Abbot of Kyngeswode, Ib. Rot. 64. Glouc.

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cos, post dictum vicesimum annum adquisitis, eadem nona ad opus nostrum levetur, per breve nostrum mandaverimus venditoribus & assessoribus nonæ prædictæ in Comitatu Somers[etæ], quod demandæ quam dilecto nobis in Christo Priori de Bruton, qui ad Parliamentum dicto die Mercurii tentum personaliter summonitus non fuit, pro dicta nona garbarum vellerum & agnorum, pro temporalibus spiritualibus suis annexis, quæ ad decimam inter eadem spiritualia dicto anno vicesimo taxata fuerunt, nobis solvenda fecerunt, supersederunt omnino, & si quid a præfato Priore pro dicta nona levassent, id ei restitui facerent indilate; Ita quod eadem nona de terris & tenementis per ipsum Priorem vel prædecessores suos, post dictum annum vicesimum adquisitis, ad opus nostrum levaretur, juxta concordiam supradictam: Ac jam ex parte præfati Prioris accepimus, quod licet dicti venditores & assessores, demandæ quam eidem Priori pro nona prædicta pro temporalibus suis prædictis nobis præstanda fecerunt omnino supersedissent virtute mandati nostri supradicti; Vos nichilominus ipsum Priorem de hujusmodi nona de dictis temporalibus suis quæ ad decimam inter eadem spiritualia dicto anno vicesimo taxata fuerunt ad opus nostrum solvenda, per Summonitionem Scaccarii prædicti graviter distringi & inquietari facitis, minus juste, in ipsius Prioris dispendium non modicum & gravamen; Super quo nobis supplicavit sibi per nos de remedio provideri; Nos nolentes ipsum Priorem in hac parte indebite prægravari vobis mandamus, quod viso manda-

to nostro prædicto, si vobis constiterit per nos taliter demandatum fuisse, tunc exactioni quam præfato Priori pro dicta nona de temporalibus suis prædictis, sic ad decimam inter spiritualia prædicto anno xxº taxatis solvenda, per Summonitiones Scaccarii prædicti fieri facitis ad opus nostrum, supersederi, & ipsum inde ad idem Scaccarium exonerari & quietum esse faciatis; Et distractionem, si quam ei ea occasione fieri feceritis, sine dilatione relaxari faciatis eidem. Proviso quod nona prædicta de terris & tenementis, si quæ per ipsum Priorem vel Prædecessores suos post dictum annum vicesimum adquisita fuerunt, si nondum levata fuerit, ad opus nostrum levetur juxta concordiam supradictam. Teste Edwardo Duce Cornubiæ & Comite Cestriæ, filio nostro carissimo, Custode Angliæ, apud Roff[am], xº die Octobris, anno regni nostri Angliæ sexto-decimo, regni vero nostri Franciæ tertio.— *The Judgment of the Court is* Ideo consideratum est, quod prædictus Prior quoad novam perquisitionem prædictam eat sine die. Salvo jure Regis &c. *Placita coram Baronibus* 28 Edw. 3. Rot. 27.

(k) Oxon[ia]. Dominus Rex mandavit hic breve suum de Magno Sigillo suo quod est inter Communia de anno xxiiº termino Sancti Michaëlis in hæc verba. Edwardus Dei gratia Rex Angliæ & Franciæ & Dominus Hiberniæ Thesaurario & Baronibus suis de Scaccario salutem. Cum in Parlamento nostro nuper apud Westm[onasterium] tento inter alia concordatum fuisset, quod religiosi & alii viri ecclesiastici qui ad Parliamentum nostrum apud Westm[onasterium]

The Prior of Stanleye, Ib. Rot. 66. Glouc.

The Prior of Langelete, Ib. Rot. 70. a. Somerseta, Wilt.

And the Abbot of Stratford, Ib. Rot. 86. Kancia.

Doubts

Westm[onasterium] ad diem Mercurii proximo post diem Dominicam in medio xv^{ae} anno regni nostri xiiii^o tentum, ubi Prælati Comites Barones & Communitas ejusdem regni nostri ad idem Parliamentum summoniti nonam garbam nonum vellus & nonum agnum nobis pro expeditione quorundam negotiorum nostrorum in partibus transmarinis concesserunt, summoniti non fuerunt nec hujusmodi nonam nobis concesserunt, & qui decimas nobis per eos prius concessas de temporalibus & spiritualibus suis annexis, quæ ad x^{am} inter eadem spiritualia anno regni Domini E nuper Regis Angliæ avi nostri xx^o taxata fuerunt, solverunt, de solutione nonæ prædictæ pro prædictis temporalibus suis sic ad x^{am} taxatis, penitus exonerentur, quodque de terris & tenementis per ipsos religiosos & alios viros ecclesiasticos post dictum annum xx^m adquisitis eadem nona & lanæ loco ejusdem nonæ de secundo anno solutionis ejusdem concessæ levantur ad opus nostrum. Vobis mandamus quod demandæ quam dilectæ nobis in Christo Abbatis de Godestowe, quæ hujusmodi x^{as} pro spiritualibus & temporalibus suis annexis nobis solvit pro hujusmodi nona & lanis per Summonitiones Scaccarii prædicti ad opus nostrum fieri facitis, supersederi, & ipsam inde ad idem Scaccarium exonerari & quietam esse ac distinctionem, si quæ ei ea occasione facta fuit, sine dilatione relaxari faciatis eidem; Proviso quod nona hujusmodi de terris & tenementis, si quæ post dictum xx^m annum per ipsam Abbatissam vel prædecessores suas adquisita fuerint, ad opus nostrum levantur juxta concordiam supradictam. Teste meipso apud Westm[onasterium] x^o die Novembris anno

regni nostri Angliæ vicesimo primo, regni vero nostri Franciæ octavo.

Et modo ad xv^{am} Sancti Michaelis venit hic prædicta Abbatissa per Johannem de Staunton Attornatum suum, & dicit quod ipsa graviter districta est per Vicecomitem Oxoniæ pro nona prædicta, ac si temporalia sua spiritualibus suis non forent annexa: Et petit sibi fieri in præmissis quod &c. secundum tenorem mandati Regis supradicti. Et super hoc scrutatis Rotulis &c. Compertum est in Rotulo exannali in Adhuc Item Oxon[ia] Berk. quod iiii^l vis viii^d exiguntur de præfata Abbatissa de nona garbarum vellerum & agnorum Regi anno xiiii^o concessa unde xiii^s iiii^d in Dorchester[ia] iiii^s in Skillyngford xxvi^s viii^d in Bloxham xxvi^s in Wolgaricote xxx^s in Carsyngton & xiii^s iiii^d in parochia Sancti Egidii Oxonia, sicut continetur in compoto Abbatis de Eynesham Ricardi de Willamescote & Thomæ de Langeleye nuper assessorum & venditorum nonæ prædictæ in dicto Comitatu Oxon[ia] hic in Thesauro existente.

Compertum est etiam in Rotulis de particulis taxationis temporalium Cleri in diocesi Lincoln[ien]si in Archidiaconatu videlicet Oxon[ia], quæ taxatio facta fuit anno xx^o Regis E Avi Regis nunc, quod temporalia præfatae Abbatis in Wolgaricote & Godestowe ut in terris redditibus molendinis nundinis Curia & operibus Bondorum ad xiii^l iiii^s iii^d & in fructibus gregum & animalium xiii^s iiii^d Et temporalia præfatae Abbatis in Shyllyngford Gersyngdon & Coveleye ut in terris, redditibus, pratis, pascuis & pasturis ad xv^l xii^d & ibidem in fructu gregum & animalium xvi^s iiii^d & temporalia sua in Carsyngton Thorp

Thorp Bokkebrok, Cudlyngton & Lodewell, ut in terris, redditibus, ad *v l iiii s ii d*, & ibidem ad pitanciam Conventus de redditibus ad *lviii s viii d*, & in fructu animalium ad *v s* separatim taxantur, juxta quam taxam eadem Abbatisa & prædecessores suæ solverunt *x^{as}* & alias quotas cum Clero quociens, & quando &c. & quia non liquet Curiae per scrutinium prædictum, si prædicta Abbatisa pro aliquibus temporalibus suis in Bloxham & parochia Sancti Egidii Oxonia taxata existat ad aliquam quotam cum Clero, Quæsitum est ab ea, si quid dicere sciat, quare particulæ nonæ super ipsam ibidem assessæ de ipsa levare non debent. Eadem Abbatisa dicit, quod temporalia sua, pro quibus assidetur, ad nonam in Dorchestr[ia] comprehenduntur & taxantur sub taxatione temporalium suorum in Shillyngford, Gersyndon & Coveleye ad *xv l xvii s iiii d* ad *x^{am}* cum Clero, ut præmittitur, taxat[a] ut parcella eorundem temporalium. Et quoad temporalia sua pro quibus assidetur ad nonam in Bloxham dicit, quod ipsa nichil habet neque prædecessores suæ ibidem prædicto anno *xiii^o* habuerunt, nisi Ecclesiam ejusdem Villæ & terras & tenementa de dote ejusdem Ecclesiæ, nec aliqua bona seu catalla alia quam de terris & tenementis illis exeuncia, pro quibus ipsa & prædecessores suæ solverunt *x^{as}* & alias quotas cum Clero quociens & quando &c. Et quoad temporalia, pro quibus assidetur ad nonam in parochia Sancti Egidii Oxonia, dicit, quod eadem temporalia comprehenduntur & taxantur sub taxatione temporalium suorum in Walton, quæ simul cum temporalibus suis in Baggerewes ad *xxiiii l xis i d* q. ad *x^{am}* cum Clero taxantur, ut parcella eorundem temporalium. Et dicit ulterius, quod omnia temporalia sua, in singulis locis prædictis, spiritualibus suis sunt annexa, & fuerunt de possessione domus

suæ prædictæ, prædicto anno *xx^o* avi, & eodem anno ad *x^{am}* cum Clero taxata, & semper hucusque quando *x^{ae}* Cleri currebant; adiciendo ipsam seu prædecessores suas aliqua terras seu tenementa in Villis & locis prædictis, seu aliquo eorundem post dictum annum *xx^m* non adquisivisse nec aliqua bona mobilia ibidem dicto anno *xiii^o* habuisse alia quam de terris & tenementis illis, sic spiritualibus suis annexis exeuncia. Et hoc præten- dit verificare &c. Ideo concordatum est quod inquirerent inde antequam &c. Et præceptum est Vicecomiti quod venire faciat hic a die Sancti Hillarii in xv dies xii &c. de visneto locorum prædictorum, quorum quilibet &c. per quos &c. qui nec &c. ad recognoscendum &c. Et idem dies datus est præfatæ Abbatisæ. Et interim respectum. —

Ad quam *xv^{am}* prædictus Willelmus de Sharesull liberavit hic quandam Inquisitionem coram eo apud Oxon[iam] die Veneris proximo ante festum Sanctæ Margaretæ Virginis dicto anno *xxxiiii^o* super præmissis, captam per sacramentum Johannis Fayrman Johannis Hardy & aliorum Juratorum, quorum nomina annotantur in Inquisitione prædicta. Qui dicunt super sacramentum suum quod temporalia, pro quibus dicta Abbatisa assidetur ad nonam in Dorchestria, comprehenduntur & taxantur sub taxatione temporalium suorum in Shillingford, Gersyndon & Coveleye ad *xv l iiii d* ad *x^{am}* cum Clero taxatorum, ut parcella eorundem temporalium. Et quoad temporalia ipsius Abbatisæ pro quibus assidetur ad nonam in Bloxham dicunt, quod dicta Abbatisa nichil habet neque prædecessores suæ ibidem habuerunt anno *xiii^o* Regis nunc, nisi Ecclesiam ejusdem Villæ & terras & tenementa de dote ejusdem Ecclesiæ, nec aliqua bona seu catalla alia quam de terris & tenementis illis exeuncia, pro quibus dicunt

Doubts about Knights Fees.

IN process of time divers questions or doubts arose concerning *Fees*.

Sometimes it was doubted, whether a *Fee* was holden by *Barony*, or only by *Knight-service* not embaronied.

Sometimes it was doubted, whether a *Fee* was holden by a whole *Barony*, or by part of a *Barony*.

Sometimes it was doubted, by the Service of how many Knights a *Barony* or Great Seignury was holden.

Doubts about the number of Knights Fees.

THE Bishop of *Durham* was charged with seventy Knights Fees, for the Aid to marry K *Henry* the Seconds Daughter *Maud*, to the Duke of *Saxony*. The Bishop acknowledged ten Knights Fees; and disowned the other fixty (l).

In the eighteenth year of K *Henry* II, it appeareth by the *Great Roll* of the Exchequer, that they could not then discover the number of the Knights Fees of the Honor of *Conan* Earl of *Bretagne* and *Richmund* (m). And in the first year of K *John*, the

dicunt ipsam Abbatissam & prædecessores suas solvisse x^{as} & alias quotas cum Clero, quociens & quando &c. Et dicunt quoad temporalia, pro quibus dicta Abbatissa affidetur ad nonam prædictam in parochia Sancti Egidii Oxoniæ, quod eadem temporalia comprehenduntur & taxantur sub taxatione temporalium suorum in Walton, quæ simul cum temporalibus suis in Baggerewes ad xxiiii^l xis id q. ad x^{am} cum Clero taxantur, ut parcella eorundem temporalium. Et dicunt iidem Juratores ulterius, quod omnia temporalia sua in singulis locis prædictis spiritualibus suis sunt annexa, & fuerunt de possessione domus de Godestowe anno xx^o Regis E avi Regis nunc, & eodem anno ad x^{am} cum Clero taxata, & semper hucusque quando

x^{ae} Cleri currebant; & dicunt, quod prædicta Abbatissa nec prædecessores suæ aliqua terras seu tenementa in locis prædictis seu eorum aliquo post dictum annum xx^m adquisiverunt, nec aliqua bona mobilia ibidem anno xiii^o Regis nunc habuerunt, alia quam de terris & tenementis illis sic spiritualibus suis annexis exeuntia. Ideo consideratum est quod prædicta Abbatissa de prædictis iiii^l vis viii^d exoneretur & & quæta existat pretextu premissorum. *Placita coram Baronibus* 28 Edw. 3. Rot. 13. a.

(l) *Hist. Exch.* p 404. x.

(m) Sed non reddit inde computum; quia nondum potuit scire numerum Militum ejusdem Honoris (*viz. of the Honor Comitum Conani*). *Hist. Exch.* p 440. col. 1. l. anno 18. H 2.

the Court of Exchequer took the affirmation of the Countess of *Richemunds* Steward (for want of more certain evidence), concerning the number of the feoffed Knights of that *Honor*. The *Great Roll* of the Exchequer expresseth it so; to wit, The *Honor* of *Bretagne* in *England* consisted of cxi Knights Fees; as *Thomas de Burc* Steward of that *Honor* affirmed (n).

In the fifteenth year of K *John*, several Fees belonging to the *Honor* of *Gloucester*, about twenty in number, could not be found (o). In fine. The number of the Knights Fees of the Barons and other Great men, was so uncertain, that in the reign of K *Henry II*, it was thought proper to command the Barons and Tenants *in capite*, to certify the King under their Seals, concerning the number of their Knights Fees, of the Old Feofment and of the New: Which Certificates were accordingly made; and were then called *Cartæ Baronum*. Mention is made of them in the History of the Exchequer.

The Books of Knights Fees.

IN process of time, by means of subdividing of Knights-Fees, and by other causes, great and perplexing doubts arose. So that even the Barons of the Exchequer, who were expert in these things, were often at a loss how to act. It was found troublesome to search upon frequent occasions in the Annual Rolls and other Records of the Exchequer at large. Wherefore, to make the trouble of searching the more easy, the Barons and the King's Council ordered extracts to be made out of the Rolls of the Exchequer, and to be digested in an orderly manner in Books. Those Books were called the *Books of Knights fees*. Which were not indeed Records properly speaking; yet they served for a Direction or Rule to go-by in determining the doubts which did from time to time arise (p).

Alexander de Swereford, of his own accord as it seemeth, began this method, when he compiled the *Red-Book*, as well out of the annual Rolls as other Records then extant. He was followed in

(n) *Hist. Exch.* p 444. col. 2. i. sub
anno 1 *Joh.*

(o) *Hist. Exch.* p 445, col. 1, 2.

(p) Non sunt recorda sed habentur
pro recordo.

in that method by the Compiler of the Book called *Testa de Nevill*. And the other Books of *Knights fees* were in like manner compiled for the use of the Barons and other Officers in the Kings business.

In relation to Baronage some questions or doubts have been formerly moved, which seem to have proceeded only from the want of a due knowledge of the ancient Usage and Records of this Realm. In the reign of K *Henry VIII*, it was doubted whether the Abbot of *Tavistock* was a *Baron*, or as it was then styled a *Lord of Parliament*. And to take-away that doubt, the King was pleased by a Patent-Letter of his Great-Seal, to grant to *Richard Banham* then Abbot of *Tavistok*, that he and his Successors Abbots there, should be *Lords of Parliament* (q). Whereas if a man would consult History, and especially Records, he might soon be satisfied that the Abbot of *Tavistock* for the time being, held of the King by Barony, to wit, by the service of fifteen Knights Fees (r). And it appeareth by the Rolls of the Kings Chancery,

(q) Devon[ia]. Rex Omnibus ad quos &c. salutem. Sciatis quod certis considerationibus nos specialiter moventibus, & ob specialem devotionem quam ad beatam Virginem Mariam Matrem Christi; sanctumque Rumonum, in quorum honore Abbacia de Tavystok, quæ de fundatione nobilium progenitorum nostrorum quondam Regum Angliæ & nostro Patronatu dedicata existat, gerimus & habemus, hinc est quod de gratia nostra speciali, ac ex certa scientia & mero motu nostris volumus eandem Abbaciam si-ve Monasterium nostrum gaudere honore privilegio ac libertatibus spiritualium Dominorum Parliamenti nostri hæredum & Successorum nostrorum. Ideo concessimus, & per præsentem concedimus, pro nobis hæredibus & Successoribus nostris, quantum in nobis est, dilecto nobis in Christo Ricardo Banham Abbati de Tavystok prædict[o] & Successoribus suis, ut eorum quilibet qui pro tempore ibidem fuerit

Abbas, sit & erit unus de spiritualibus & religiosis Dominis Parliamenti nostri hæredum & Successorum nostrorum, gaudend[o] honore privilegiis ac libertatibus ejusdem. Et insuper de uberiori gratia nostra, affectand[o] utilitatem dicti nostri Monasterii, considerando ejus distanciam, Ita quod si contingat aliquem Abbatem qui pro tempore fuerit fore vel esse absentem propter prædicti Monasterii utilitatem in non veniendo ad Parliamentum prædictum hæredum vel Successorum nostrorum, quam quidem absentiam eidem Abbati perdonavimus per præsentem; Ita tamen quod tunc solvet pro hujusmodi absentia cujuslibet Parliamenti integri, in nostro Scaccario per suum Attornatum quinque marcas, nobis hæredibus si-ve Successoribus nostris, tociens & quociens hoc in futuro contigerit. In cujus &c. Teste Rege apud Westm[onasterium] xxiii^o die Januarii. *Originale 5 Hen. 8. Rot. 12.*

(r) *Hist. Excheq. p 451. col. b.*

Chancery, that the Abbot of *Tavistoke* was summoned to Parliament with the other Ecclesiastical Barons, in the fortyninth year of K *Henry III* (s); and, no doubt, he was summoned to the Parliaments of the succeeding Kings. For he was all along reputed a Baronial Abbot. However his having been always actually summoned, is a thing that cannot be undeniably proved, because the Clerks of the Chancery in former ages have used too much brevity in the enrolments of the several Writs of Summouce. For in the Rolls it is generally said in brief, *Eodem modo scribitur ceteris Abbatibus & Prioribus Angliæ*, without specifying the several Abbots and Priours who had Writs of Summouce directed to them (t).

I add; that it seemeth, a Baron was liable to be amerced, in case he failed to appear there according to the Summouce; unless he had Leave to be absent.

But concerning these points I may have occasion to speak more largely hereafter in another Book, if I live to finish what I have to say upon the subject of Parliaments (u).

Relief, Baronies, Honors.

THESE following were Land-Honors or Baronies; namely, the Barony of *Nigell de Luwetot* is charged with cl for Relief (w), the Barony of *Maud de Baiocis* (x), the Honor of *Chokes*

(s) *Dugd. Summon. p. 2.*

(t) *Dugd. Summon. ubilibet.*

(u) Pro J Clonforten[fi] Episcopo. Rex de gratia sua speciali perdonavit venerabili patri J Clonforten[fi] Episcopo illas quadraginta libras ad quas amerciatus fuit coram dilecto & fideli Regis Willelmo Vesey Justiciario Regis Hiberniæ, pro eo, quod non venit coram eodem Justiciario in propria persona sua ad primum Parliamentum, quod idem Justiciarius tenuit apud Dubliniam, postquam officium Justiciarii Hiberniæ ei Rex commisit, & quæ ab eo exiguntur per summonitionem Scaccarii Regis Hiberniæ. Et ideo man-

datum est Thesaurario & Baronibus de eodem Scaccario quod præfatum Episcopum de prædictis quadraginta libris quietum esse faciant. Teste ut supra [viz]. Teste Rege apud Westm[onasterium] decimo die Junii. *Claus. 21 Edw. 1. m. 7.*

(w) *Mag. Rot. 3. Hen. 3. Rot. 6 a. Cant. Hunt.*

(x) Adam de Novo Mercato [debet] viii marcas, de exitibus Baronie, quæ fuit Matillidæ de Baiocis. *Mag. Rot. 6 H. 3. Rot. 10. b. Everwichscira. m. 1.*

Lincoln[sira]. Abbas de parco Ludæ attachiatus fuit ad respondendum Domino Regi, de placito, quod red-

Chokes (y), the Barony and Honor of *Aquila* (z), the Barony of *Crevequer* (a), the Barony of *Brembre* (b), the Barony of *Wolverton*

dat ei Centum & octo solidos, quos ei debet de arreragiis cujusdam annui redditus novem solidorum, pro quodam Molendino Aquatico in Villa de Styneton pertinente ad Baroniam de Bayoufe nuper in manu Regis existentem ut escaetam suam. Et unde Almaricus de Friscobald, cui Dominus Rex concessit dictam Baroniam cum suis pertinentiis tenendam ad terminum vitæ ipsius Almarici, dicit pro Rege quod Stephanus de Bayoufe, qui aliquando tenuit dictam Baroniam, fuit seifitus de prædictis ix s annuis exeuntibus de prædicto Molendino; Et quod dictus Abbas redditum illum per xii annos subtraxit & adhuc subtrahit, & eidem Almarico redditum illum reddere contradicit, in exhæredationem Domini Regis manifestam, maxime cum reversio dictæ Baronie ad ipsum Regem & hæredes suos post mortem dicti Almarici pertineat & pertinere debeat, & in contemptum Regis Centum marcarum. Et hoc offert &c.

Et prædictus Abbas per Attornatum suum venit, & defendit omnem exhæredationem, transgressionem & quicquid &c. Et bene cognovit quod tenet tria Molendina aquatica in Kedyn-ton in Comitatu Linc[oln]iæ, Set dicit quod nullum Molendinum tenet in Villa de Styneton, nec aliquem redditum seu aliud servitium facere tenetur ad Baroniam illam ratione alicujus Molendini, nec dictus Stephanus umquam seifitus fuit de aliquo redditu exeunte de Molendinis prædictis, per manus ipsius Abbatis seu prædecessorum suorum. Et hoc paratus est verificare &c. Et quia Barones melius consulere volunt super præmissis pro Domino Rege, datus est dies ulterius

partibus prædictis a die Sanctæ Trinitatis in xv dies eo statu quo nunc. Et interim mandatum est Escaetori citra Trentam, quod inquiret quæ tenementa dictus Abbas tenet de Baroniam prædicta, & per quæ servitia; & inquisitionem illam habeat hic ad diem prædictum sub Sigill[is] &c. Ad quem diem Emericus venit; & prædictus Abbas per Attornatum suum venit. Et Escaetor non retornavit breve. Ideo datus est dies partibus prædictis in Octabis Sancti Michaelis eo statu quo nunc. Ad quem diem partes venerunt; & Escaetor non retornavit breve. Ideo in Octabis Sancti Hillarii eo statu quo nunc. Ad quem diem partes venerunt Et Escaetor non retornavit breve. Ideo datus est dies ulterius a die Paschæ in tres septimanas. Ad quem diem partes venerunt; Et Escaetor non retornavit breve. Ideo datus est dies ulterius a die Sancti Michaelis in xv dies, prece querentis. *Placita coram Baronibus 2 Edw. 2. Rot. 44. a.*

(y) De Primo Scutagio Regis. Idem Vicecomes debet xlvii s de eodem, de Honore de Chokes. *Mag. Rot. 7 H 3. Rot. 14. b. Norhamtescira. m. 2.*

(z) Baronia & Honor de Aquila is quitclaimed to the King by Amadeus Comes Sabaudie. *Clausæ 27 Edw. 1. m. 5. dorso.*

(a) Kancia. De Relevio. — ut de Baronia de Crevequer in manu Regis existente —. *Trin. Communia 35 Edw. 1. Rot. 65. b. inter Fines.*

(b) Suffex. De Relevio Willelmi de Breouse; viz. for the Castle of Brembre in Suffex, and the Land of Guher in Wales. *Trin. Communia 35 Edw. 1. Rot. 59. a. in bund. 34 & 35 E 1. Parte 1.*

ton (c), the Barony of *Burgh upon the Sands* (d), the Barony of *Roche* (e).

In the tenth year of K *Richard I*, *William de Novo Mercato* fined to the King in c marks, that the King would accept of his reasonable Relief for his Barony, to wit, c pounds (f).

Relief.

TENANTS in chivalry of the small Fees of *Moreton* were wont to pay the same sum for Relief, to wit c s *per Fee*, as the Tenants in chivalry of other which were larger Fees paid. As in the

(c) *Johannes le Hunte & Margeria uxor ejus, tenentes unam partem terrarum & tenementorum, quæ fuerunt Johannis filii & hæredis Johannis de Wolverton —, & aliorum terrarum & tenementorum quæ sunt de Baronia de Wolverton, sicut continetur in Memorandis de hoc anno inter fines de termino Trinitatis —. Mag. Rot. 31. Edw. 3. Bedef. Buk. m. 2. a.*

(d) *Cumbria. — set de Ranulpho de Dacre ut de Baronia de Burgh super fabulones, & de Domino de Lucy ut de Maneriis de Aspatrick & Wygdon —. Pas. Communia 42 Edw. 3. Rot. 11. b.*

(e) *Warwikia, Suthwallia. Custodia Manerii de Landegom quod fuit Johannis de Roches Chivaler in Wallia defuncti, qui de Rege tenuit in Capite —, ac purpartis — de hæreditate Baronie de Roches, in manu Domini Regis existentis per mortem Margaretæ, quæ fuit uxor Rogeri de Claryndon, hæredis Baronis de la Roches —. This Custody was committed to Thomas de Bermyngham Chivaler —. This Baronia de Roches was in Dominio de Haverford —. Hil. Communia 9 Ric. 2. Rot. 20. b.*

(f) *Willelmus de Novo Mercato reddit compotum de c marcis, ut Rex capiat rationabile relevium suum, sci-*

licet c l. Mag. Rot. 10. Ric. 1. Rot. 15. a. tit. Dorsete & Sumerfete.

Heref[ordscira]. Rogerus de Chaundos filius & hæres Roberti de Chaundos defuncti, qui de Rege tenuit in Capite die quo obiit, dat Regi Centum marcas, pro relevio suo, de omnibus terris & tenementis quæ dictus Robertus pater suus tenuit in Capite die prædicto, de Domino E nuper Rege Angliæ patre Regis qui nunc est, videlicet de Maneriis de Snodhull Wolynton & Fowerhope in Comitatu Herefordiæ, quæ tenuit de dicto patre Regis nunc per Baroniam, sicut præfatus Rogerus modo recognovit, & sicut compertum est per Certificacionem Eschaetoris citra Trentam annotatam in quodam Rotulo hic liberato per eundem de securitatibus releviorum de diversis annis. Et memorandum, quod compertum est in rubeo libro quod inter cartas diversorum Baronum annotatas ibidem continetur quædam carta Ricardi de Chaundos antecessoris prædicti Rogeri de diversis feodis suis &c. Et idem Rogerus atterminatus est per Regem nunc, de prædictis centum marcis per breve Regis de privato Sigillo quod est inter Communia de hoc anno. Mich. Communia 2 Edw. 2. Rot. 42. a. inter Fines.

the case of *Richard de Estre* (g).

Thomas

(g) Berk. De Matilda, quæ fuit uxor Johannis de Lenham, attachiata pro relevio.

Matilda quæ fuit uxor Johannis filii & hæredis Johannis de Lenham, attachiata fuit, tanquam tenens terrarum & tenementorum, quæ fuerunt ejusdem Johannis filii Johannis, ad respondendum Regi de relevio ipsius Johannis filii, de omnibus terris & tenementis, quæ dictus Johannes pater tenuit de Rege nunc in capite die quo obiit. Et ipsa modo venit hic per Ricardum de Not[ingamia] Attornatum suum, & cognovit, quod tenet Manerium de Bokland integrum, quod tenetur de Domino Rege in capite per servitium unius feodi Militis; Set dicit quod non debet onerari de relevio &c. ut pro uno feodo Militis, quia dicit, quod Johannes de Lenham pater prædicti Johannis viri sui feoffavit ipsum Johannem & ipsam Matildam de medietate Manerii prædicti diu antequam obiit, & inde ostendit cartam Regis nunc de licentia data apud Dovor[riam] xxiii^o die Maii anno vi^o Regis nunc, in qua continetur, quod Rex ad requisitionem Gilberti de Clare Comitis Glouc[estriæ] & Hertford[iæ] concessit & licentiam dedit, quantum in ipso est, Johanni de Lenham Seniori, quod ipse unum toftum viii^o virgat[as] terræ ix solidat[as] viii denarios & unam quadrantem redditus cum pertinentiis in Farn-don in Comitatu Berk. quod est membrum de Boklond, ut dicit, & unum mesuagium & medietatem unius mesuagii iii^{or} virgat[arum] ccccxvii acrarum terræ & dimidiæ lvi acrarum prati & pasturæ, duorum Jumentorum xx^{ti} boum x^m vaccarum x^m boviculorum cc ovium & cl agnorum cum pertinentiis infra Manerium de Bokland in Comitatu prædicto, quæ de Rege tenentur in Capite, dare possit & concedere

Johanni de Lenham Juniori & Matildæ filiæ Johannis Mautravers, Habendum & tenendum eisdem Johanni & Matildæ & hæredibus de corporibus ipsorum Johannis & Matildæ legitime procreatis; & petit judicium si pro illa medietate, de qua præfatus Johannes pater, de cujus morte dictum relevium exigitur, non obiit seifitus, debet Regi de relevio respondere &c. Et quoad relevium &c. pro alia medietate dicti Manerii, de qua dictus Johannes pater obiit seifitus &c. concedit se onerari debere de relevio suo &c. ut pro dimidio feodo Militis. Et super hoc dictum est ei, quod solvat ls pro relevio medietatis dicti Manerii, de qua dictus Johannes pater obiit seifitus, & quoad relevium alterius medietatis, quia dictus Johannes pater non obiit inde seifitus, eat ad præsens sine die. Et oneratur de prædictis ls alibi in hiis Memorandis inter fines de hoc Termino. *Mich. Communia 19 Edw. 2. Rot. 28. b.*

Henricus Comes de Warew[ico] & Philippa uxor ejus, & Regin[aldus] de Valle Torta & Johanna uxor ejus, & Alicia soror prædictarum Philippæ & Johannæ debent cl de fine, quem fecerunt cum Rege pro Relevio terræ quæ fuit Thomæ Basset, cujus hæredes ipsæ sunt; & quarum finis talis est, scilicet quod si consideratum fuerit, quod majus Relevium inde dare debeant, majus inde dent. *Mag. Rot. 4. Hen. 3. Rot. 2. b. Oxenefordfir[e].*

Somer[s]eta. Willelmus Portman filius & hæres Johannis Portman defuncti *was impleaded for Relief.*

Et modo scilicet ad prædictum Crastinum Clausi Paschæ hoc termino, venit hic prædictus Willelmus Portman, filius & hæres præfati Johannis Portman defuncti, in propria persona sua. Et cognoscit præfatum Johannem

Thomas Corbet's Case.

IN the thirtyfifth year of K *Henry III*, *Thomas Corbet* came and declared before the Barons of the Exchequer, That since the first Conquest of *England* he hath had five Ancestours, and that not one of them did ever render to the King or his Ancestours Relief for the five Knights Fees which he holdeth of the King in Chief (b).

In

nem Porter Juniorem tenere, tanquam feisitum ad usum ejusdem Willelmi & hæredum suorum, prædicta tria Mesuagia, centum acras terræ, vi acras prati, centum acras pasturæ, & vii acras bosci, cum pertinentiis in Byconhill prædicta, in dicto Comitatu Somersetæ, de dicto Domino Rege nunc, in capite, per dictum servitium terciæ partis unius feodi Militis; juxta quod servitium, ac prætextu statuti de anno quarto Domini Henrici nuper Regis Angliæ vii, de terris & tenementis in feoffamento existentibus, ad usum alicujus hæredis, tempore mortis antecessoris sui plenæ ætatis existentis, dictus Willelmus Portman offert Regi relevium. Et super hoc idem Willelmus dat Domino Regi xxxiii s iiii d, pro relevio suo prædicto, pro Mesuagiis, terris, prato, pastura & bosco prædictis, cum pertinentiis, juxta servitium prædictum per ipsum superius recognitum. *Pas. Fines 16 Hen. 8. Rot. 6. a.*

(b) Recognitio Thomæ Corbet. Idem Thomas venit coram Baronibus & recognovit, quod habuit v antecessores post primum conquestum Angliæ, & quod nullus eorum reddidit Domino Regi vel antecessoribus suis relevium de feodis v Militum, quæ tenet de Rege in Capite. *Memoranda 35 Hen. 3 Rot. 14. a.*

Salopia. Petrus Corbet filius & hæres Petri Corbet defuncti dat Domino Regi C marcas pro relevio suo de omnibus terris & tenementis, quæ dictus

Petrus pater suus tenuit in Capite die quo obiit de Domino E quondam Rege Angliæ patre Regis nunc. Et oneratur idem Petrus nunc de isto relevio, tamquam de Baronía &c. sicut prædictus Petrus pater suus oneratus fuit &c. post mortem Thomæ Corbet patris sui &c. Et unde compertum est in Magno Rotulo de anno xiiº prædicti Regis E in Salopia, quod prædictus Petrus Corbet filius & hæres Thomæ Corbet oneratur de c/ de relevio suo &c. Et prædictus Petrus nunc oneratur de c marcis hic de relevio &c. & non de c/ sicut prædictus Petrus filius Thomæ &c. eo quod relevium Baroníæ onerabatur ad c/ tempore quo idem Petrus filius Thomæ oneratus fuit &c. & modo non debentur nisi tantummodo c marcæ de relevio Baroníæ &c. & hoc prætextu Magnæ Cartæ de libertatibus Angliæ, quam Dominus Rex E per Cartam suam postmodum confirmavit, & in qua continetur, quod Rex non capiet nisi c marcas de relevio Baronis de Baronía integra &c. Super quo idem Rex E mandavit Thesaurario & Baronibus &c. per breve suum de Magno Sigillo, quod est adhuc inter Communia de anno ejusdem Regis E xxixº, quod ipsi Cartam ipsam de libertatibus &c. in omnibus suis articulis facerent observari &c. Postea præceptum est Vicecomiti, quod fieri faciat prædictas c marcas. Ita &c. in Craistino Clausi Paschæ. *Mich. Communia 2 Edw. 2. Rot. 42. b inter Fines.*

In the twelfth year of K *Henry II*, *Walter de Sainte-Foy* was charged with 1s, for Relief for half a Knights Fee (i).

In capite. Abbot of Whitby.

IN the second year of K *John*, the Abbot of *Whitebi* fined to the King, that he might have a Protection not to be impleaded for any thing which he held of the King *in chief*, which belonged either to the Abbot or to his Monastery (k).

The Military Services charged upon Lands were a great Safeguard and Protection to the Realm.

Plenty of Knights.

IN the most ancient times, it was thought to be of great consequence or concern, that the Kingdom should be furnished with Valorous Knights, persons of prowess, brought up and enured to perform Knightly exploits. For this and other reasons, any man who had a sufficient quantity or portion of inheritable Land holden of the King by Knightly Tenure, might at the Kings Will be summoned to appear before the King, and take the Order of Knighthood.

In the nineteenth year of K *Henry III*, all the Sherifs of *England* were commanded by Close writs of the Great Seal, to make proclamation in their respective Counties, that all they who held of the King in chief one Knights fee or more, and were not as yet knighted, should take Arms and get themselves knighted, before the next Christmas, as they loved the tenements or Fees which they held of the King (l).

In the seventeenth year of K *Henry III*, the Honor of *Dudley* and other lands of *Roger de Sumery* were taken into the Kings hand, with all the chatels found thereon, because *Roger* did not come

(i) *Walterus de Sancta Fide debet 1s, pro Relevio terræ dimidii Militis. Mag. Rot. 12 Hen. 2. Rot. 1. b. tit. Honor Comitum Giffardi.*

(k) *Abbas de Whitebi debet x marcas, pro habenda protectione, ne tra-*

hatur in placitum de aliquo, quod teneat in Capite de Domino Rege, quod ad ipsum pertineat vel ad Monasterium suum. Mag. Rot. 2 Joh. Rot. 8. b. m. 1. Everwicscira.

(l) *Hist. Exch. p 354. col. 1. d.*

come to the King, to be girt with the Belt of Knighthood (*m*).

Protection.

(*m*) *Hist. Exch.* p 354, col. 2. c.

Quod gentes triginta libratas redditus habentes Milites fiant. *Claus.* 25 *Edw.* 1. m. 26. dorso.

De certificando Regi de nominibus habentium viginti libratas terræ & redditus. *Clausæ* 25 *Edw.* 1. m. 14. dorso.

Norf[olcia]. Thomas de Holbrok qui recepit ordinem Militarem cito post festum Sanctæ Trinitatis anno viiº, prout coram Baronibus hic sufficienter est testatum, venit hic modo a die Sanctæ Trinitatis in xv dies per Johannem Parles Attornatum suum, & fecit finem cum Domino Rege per xxs, pro transgressionem, quam fecit, eo quod non recepit ordinem Militarem ante festum Sanctæ Trinitatis dicto anno viiº, nec in eodem festo juxta proclamationem de mandato Regis inde factam, quæ quidem proclamatio plenius annotatur in Memorandis anni viii Regis nunc inter Recorda de termino Sancti Hillarii Solvend[os] ad quindenam Sancti Michaelis per pleg[ios] Johannis Parles & Johannis de Gippewico de Comitatu Suff[olciæ]. Postea solvit denarios prædictos per unam talliam de Scaccario levatam xxviº die Octobris proximo sequente. *Trin. Fines* 10 *Edw.* 3. *Rot.* 2. b.

Salop. Staff. Walterus de Rydeware de Hampstall Miles fecit finem cum Domino Rege per xxs, eo quod non recepit ordinem Militarem ante festum Sanctæ Trinitatis dicto anno septimo, nec in eodem festo juxta proclamationem prædictam Solvend[os] ad quindenam Sancti Michaelis proximo futuram per pleg[] Johannis Cokeyn de Comitatu Derb[iæ]. *Trin. Fines* 10 *Edw.* 3. *Rot.* 2. b.

Effex[ia] Hugo le Blount finem fecit cum Domino Rege per xls eo

quod non recepit ordinem Militarem ante festum Ascensionis Domini anno nono, nec in eodem festo juxta proclamationem inde factam, quæ quidem proclamatio plenius annotatur alibi in hiis Memorandis inter Recorda de termino Sancti Michaelis, Solvend[os] ad festum Sancti Michaelis proximo futurum per pleg[ios] Johannis Deuden & Johannis de Coggeshale de Comitatu Effex[iæ]. *Trin. Fines* 10 *Edw.* 3. *Rot.* 2. b.

Rex Vicecomiti Kancræ salutem. Præcipimus tibi firmiter injungentes, quod statim post receptionem præsentium, in singulis locis per totam ballivam tuam tam infra libertates quam extra, ubi magis expedire videris, ex parte nostra publice proclamari facias, quod omnes illi qui quadraginta libratas terræ vel redditus & ultra per annum in manibus suis, vel ad eorum usum in manibus feoffatorum habent, & eas per tres annos sic habuerunt, & Milites non sunt, se ad Militarem ordinem in se assumere disponant, & de nominibus eorum, qui sic quadraginta libratas terræ vel redditus in balliva tua, sicut prædictum est, habent, in Cancellariam nostram citra Crastinum Ascensionis Domini proximo futurum constare facias indilate. Et summonneas per bonos summonitores omnes illos qui hujusmodi quadraginta libratas terræ vel redditus vel ultra ut præmittitur in dicta balliva tua habent, quod extunc se præparent, Ita quod citra festum Sancti Michaelis Archangeli proximo futurum, ad hujusmodi ordinem militare recipiendum sub periculo incumbenti penes præsentiam nostram personaliter accedant, & sint parati ipsum ordinem militare recepturi. Et hoc sub periculo incumbenti nullatenus omittas. Et habeas

Protection.

WHEN a Man was reteined in the Kings Service in his Army, that reteiner was a Protection to him for the time. Pleas or actions brought against him by the party were to stay till his Return from the Kings Service. For which purpose, upon application to the Kings Chancery, he readily obtained a Writ of Protection upon his case. Those Writs of Protection were well known in the Common Law, and were in continual use (*n*).

Barons

beas ibi nomina Summonitorum & hoc breve. Teste Rege apud Westm[onasterium] ix^o die Martii.

Consimilia brevia diriguntur Vicecomitibus per totam Angliam. *Originale* 15 Hen. 7. Rot. 40.

Fines.

Several large Rolls of Fines which were sett upon Gentlemen in all the Counties of England, pro eo quod non susceperunt ordinem Militarem die Coronationis Reginae Mariae. *These Rolls are in a Roll of Accompts of Loans Benevolences and Mutuums made to K Henry VIII, and others. This Roll lyeth amongst the Compota Forinfeca of the reigns of several Kings, in the inner Room in the Pipe-office at Westminster, in a Press directly fronting to the door leading into the Augmentation-office.*

(*n*) Protectio Willelmi Gra & Johannis Gra.

Per breve de Magno Sigillo, quod delatum fuit in Curia &c. in hæc verba. Edwardus Dei gratia Rex Angliæ Dominus Hiberniæ & Dux Aquitaniæ, Omnibus Ballivis & fidelibus suis, ad quos præsentis Litteræ pervenerint, salutem. Sciatis quod suscepimus in protectionem & defensionem nostram Willelmum Gra & Johannem Gra de Ebor. qui in obsequium nostrum in Comitiva dilecti & fidelis nostri Johan-

nis filii Marmaduci profecturi sunt ad partes Scotiæ, homines, terras, res, redditus & omnes possessiones ipsorum Willelmi & Johannis Gra. Et ideo vobis mandamus, quod ipsos Willelmum & Johannem Gra, homines, terras, res, redditus & omnes possessiones suas manuteneatis protegatis & defendatis, non inferentes eis vel inferri permittentes injuriam, molestiam, dampnum aut gravamen. Et si quid eis forisfactum fuerit, id eis sine dilatione faciatis emendari. In cujus rei testimonium has literas nostras fieri fecimus patentes, usque ad festum Paschæ proximo futurum duraturas. Volumus etiam quod iidem Willelmus & Johannes Gra interim sint quieti de omnibus placitis & querelis, exceptis placitis de Dote unde nichil habet, & Quare impedit, & Assisis novæ disseisinæ & Ultimæ præsentationis, & exceptis Loquelis quas coram Justiciariis nostris itinerantibus in itineribus suis summoniri contigerit; præsentibus minime valitur[is], si contingat ipsos Willelmum & Johannem Gra iter illud non arripere, vel postquam citra terminum illum in Anglia redierint a partibus supradictis. Teste meipso apud Guildeford xiiii^o die Septembris anno regni nostri secundo. *Placita coram Baronibus* 2 Edw. 2. Rot. 8. a.

The

Barons of Great Lords.

IT is true, in ancient times the Earls and Barons of *England* did often call their chief Tenants *Barones*. Of this there are many instances in *Formulare Anglicanum* (o), and other books. The Earls and Great Lords did then in many particulars imitate the Form and Fashion of the Kings Court. As the King had, so they had their *Dapifers* or *Seneschalls*, *Chamberlains*, and other Officers in their Households, and likewise abroad their *Barones*, their chief Chivalerian Tenants (p).

But

The like Writ of Protection mutatis mutandis *is entred for* Stephen de Burghersh; *and for* John de Eyvill. *Ibid. Rot. 26. a.*

Protectio Regis pro Johanne de Sancto Johanne.

Edwardus Dei gratia Rex Angliæ Dominus Hiberniæ & Dux Aquitaniæ, Omnibus Ballivis & fidelibus suis ad quos præsentis Literæ pervenerint salutem. Sciatis quod suscepimus in protectionem & defensionem nostram dilectum & fidelem nostrum Johannem de Sancto Johanne, qui in obsequium nostrum per præceptum nostrum profecturus est ad partes Scotiæ, homines, terras, res, redditus & omnes possessiones suas. Et ideo vobis mandamus quod ipsum Johannem, homines, terras, res, redditus & omnes possessiones suas manuteneatis & protegatis & defendatis, non inferentes eis vel inferri permittentes injuriam, molestiam, dampnum aut gravamen. Et si quid eis forisfactum fuerit, id eis sine dilatione faciatis emendari. In cuius rei testimonium, has Literas nostras fieri fecimus patentes, usque ad festum Paschæ proximo futurum duraturas. Volumus etiam quod idem Johannes interim sit quietus de omnibus placitis & querelis, exceptis placitis de Dote unde nichil habet, & Qua-

re impedit, & Affisis novæ disseisinæ & Ultimæ præsentationis, Et exceptis Loquelis, quas coram Justiciariis nostris Itinerantibus in Itineribus suis summoniri contigerit. Præsentibus minime valitur[is], si contingat ipsum Johannem iter illud non arripere, vel postquam citra terminum illum in Angliam redierit a partibus prædictis. Teste meipso apud Kenynton, xxiiii^o die Augusti anno regni nostri secundo. Per protectionem istam cessat placitum inter Gerardum de Ourom petentem & dictum Johannem defendentem, de Placito debiti, usque ad festum Paschæ proximo futurum. *Placita coram Baronibus 2 Edw. 2. Rot. 13. b.*

(o) *Form. Anglic. Nu. 2. p. 1. Nu. 83. p. 46. Nu. 88. p. 48. Nu. 290. p. 178, & passim.*

(p) Ranulfus Comes Cestriæ, Episcopo Cestriæ, Dapifero, Baronibus, Justiciariis, Castellanis, Vicecomitibus, Ministris, & ballivis, & omnibus hominibus suis Francis & Anglis Clericis & laicis, salutem. Proculdubio scito te me reddidisse Eustachio filio Johannis, totum honorem qui fuit Willelmi filii Nigelli Constabularii Cestriæ, in rebus & dignitatibus omnibus, & ipsum Eustachium constituisse hæreditarie Constabularium, & supremum consiliarium post me, super omnes optima-

But the *Barones* of the Earls and Great Men were styled *Barones* improperly, that is, onely by way of Resemblance.

The *Barons* properly so called were the *Barones Regis*. Of these principally we have been all-along speaking. All other persons who have by accident been called by this name, are excluded out of the present discourse.

Mr Selden, Sir Henry Spelman and others seem to have been fond of the Distinction of *Barones majores* and *minores*. But I do apprehend, it is a frigid Distinction, and of no solid use.

But the Kings Barons onely, and no others, were properly called *Barons*. For they and no others were the King's *Men* or *Homagers* holding of him *by Barony*.

Of these, some might be and were greater than others: that is, some of them might have, and indeed had, larger Baronies than others, a Greater number of Knights, and a greater extent of Demeanes and Rents. But in general they were all Peers.

As some Citizens of the same City may be greater than others, in Household or Wealth: But still they are all of the same state and degree.

And if a man has a mind to proceed further in trifling, he may subdistinguish, and say, there were *Barones majores*, *minores*, and *minimi*; meaning by the *minimi* the Barons of Ports and Buroughs.

So that in truth it was not worth the while to call these persons *Barones minores*, in opposition to the *Barones majores*, the Kings Barons. For the Former were of a class or order different from that of the Latter.

Vavassours.

tes & Barones totius terræ meæ. Ea propter volo & firmiter præcipio, de sicut ei rectum suum reddidi, & donavi, & concessi Constabulariam & Honorem integrum Constabulariæ Cestriæ, & totius terræ meæ, quod in omnibus rationabiliter ei intendatis sicut corpori meo; proinde præcipio &c; Teneat etiam ita libere & quiete, sicut unquam Willelmus filius Nigelli tenebat in tempore Comitis Hugonis, & Comitis Ricardi, & tempore patris mei Ranulfi, in villa & extra &c. Testibus Willelmo Comite Lincolnæ,

& Willelmo de Perceio, & Turstano Banastre, & Simone filio Willelmi, & Normanno de Verdone, & Ricardo Pincerna & Roberto Basset, & Simone de Tuschet, & Gaufrido Dispensario, & Ivone Constabulario de Coventre, Ricardo de Vernone, Walchelino Mainot, Hugone de Neurs, Rogero de Maletot, Willelmo de Malherbe, Hugone de S Paulo, & Willelmo de Veci &c. apud Coventre. *Ex Dugd. Collectan. MSS. in Museo Ashmol. Oxon. fol. 50. a.*

Vavassours.

IN the North part of *England* there were persons called *Vavassours*, in the reign of K *Henry I.* There were *Vavassours* belonging to the Barony of the Archbishop of *York* (q), to the Barony of *Robert Fossard* (r). There were also *Vavassors* belonging to the Castle of *Rockingham* (s). In *Normandy* they had *Vavassors*; and also Lands called *Vavassories*. In the second year of K *John*, *Robert de Ponte* sold his *Half-vavassory* at *Bouiler*, to *Robert de Montegomeri* (t). But in *England*, I think the *Vavassors* were not numerous. Hitherto of Honors and Baronies by Tenure.

(q) Archiepiscopus Eborac[ensis] reddit compotum de x marcis argenti de Dominio suo, Et de xxv marcis argenti de Vavassoribus suis, de eisdem Placitis [viz. Gaufridi de Clintona & Sociorum ejus]; In thesauro c s, Et in Perdonis, per breve Regis, Archiepiscopo Eborac[ensi] x marcas argenti Et Vavassoribus suis xv marcas argenti; Roberto Lamarte xx s, Hugoni de Sarca i marcam argenti; Et Quietus est.

Homines de Honore de Blida reddunt compotum de xl marcis argenti de eisdem Placitis [viz. Gaufridi de Clintona & Sociorum ejus]; In thesauro xii l & xiii s & iiii d. Et in Perdonis, per breve Regis, Radulfo Taifon viii marcas argenti, Radulfo filio Willelmi xl s; Et Minutis Hominibus de Blida vii marcas argenti; Et debent xl s. *Mag. Rot. anni incerti Regis Hen. 1. Rot. 3. a. sub Everwicscira.*

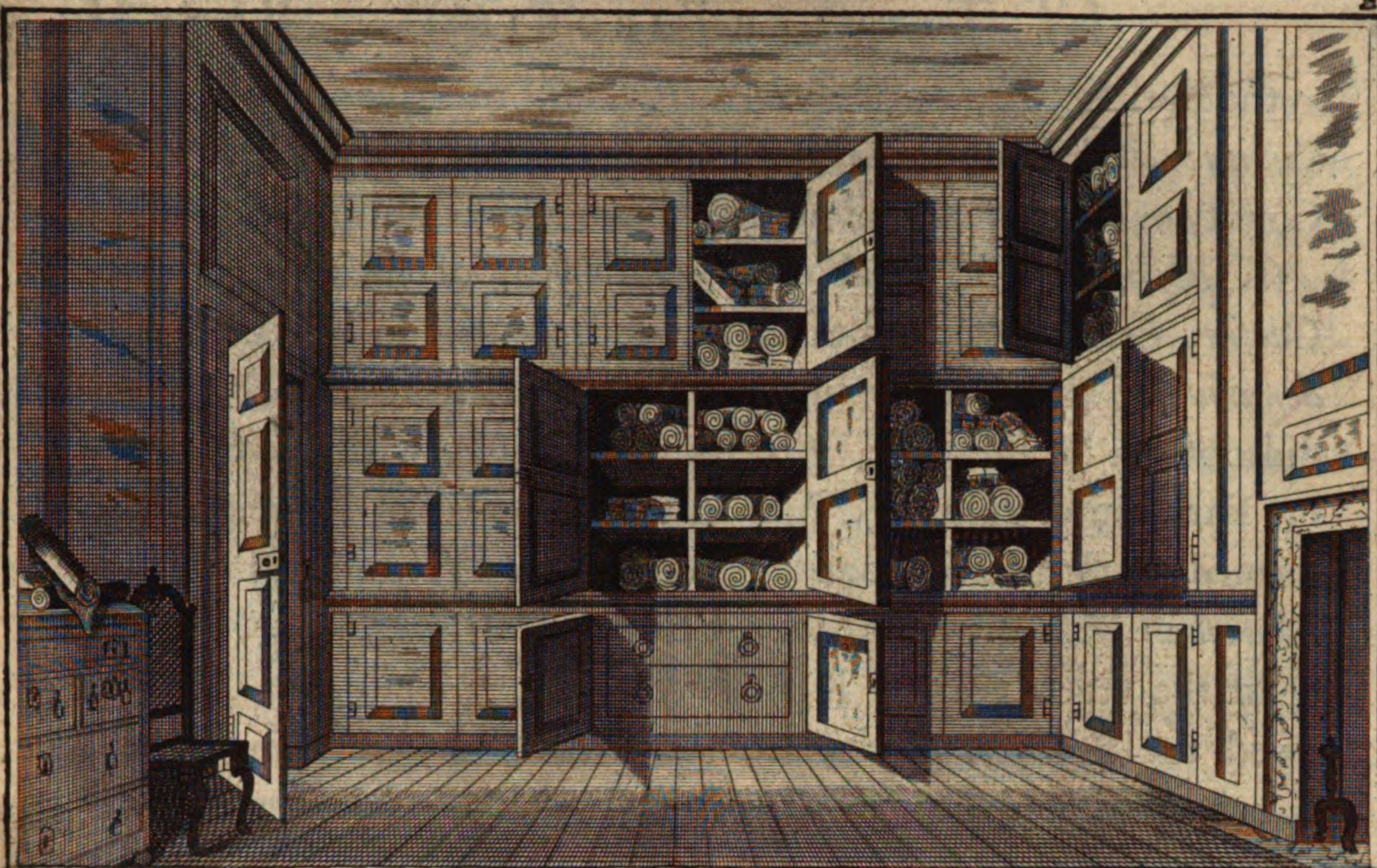
(r) Vavassores Roberti Fossardi red-

dunt compotum de lxiii s & iiii d, de eisdem Placitis [i. e. Gaufridi de Clintona & Sociorum ejus]; In thesauro liberaverunt, Et Quieti sunt. *Mag. Rot. anni incerti Hen. 1, Rot. 3. a. Everwicscira.*

(s) H Rex Angliæ, & Dux Normanniæ & Aquitaniæ, & Comes Andegaviæ omnibus Baronibus & Vavassoribus qui debent facere Wardam ad Castellum de Rochingeham, salutem. Præcipio, quod sitis residentes in Castello meo de Rochingeham, ita bene & plenarie, per summonitionem Willelmi Malducti qui custodit Castellum, sicut juste esse debetis; & nisi feceritis, ipse vos justiciet per catalla vestra quod faciatis. Et si hoc facere non poterit, Vicecomites mei, in quorum ministeriis terras habemus, faciant Teste: Toma Cancellario apud S Edmundum. *Ex Dugd. Collect. MSS. in Museo Ashmol. Oxon. L, fol. 41. b.*

(t) *Hist. Excheq. p 106. col. 1. g.*



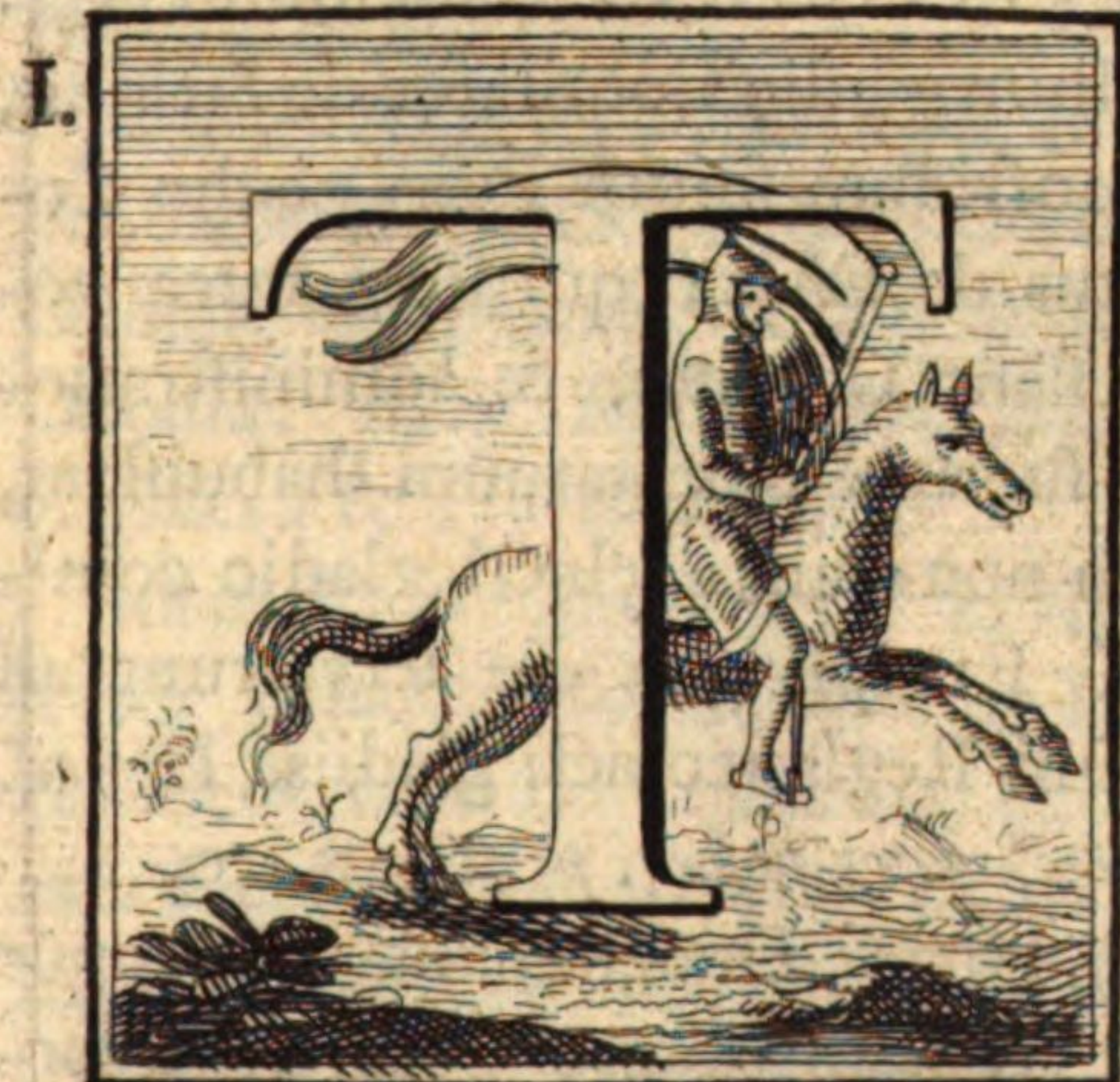


Camera quadrata in Turri Londoniæ ad veteres membranas.

BOOK II.

CHAPTER I.

- I. *Of the ancient manner of Creating Earls by Title.* II. *Of the manner of Creating Barons by Title.*



Itular-Baronies may be spoken-of next. In *England*, in ancient times Earls were usually created either by Charter under the Kings Great Seal, or by Patent Letter under the same Seal. The way of creating Earls by Charter was the most ancient. That way hath been thought to be coeval to the *Norman Conquest*. The man-

ner of doing it was this. The King made a Charter of Creation under his Great Seal to such Earl: By the Charter, the King

N n

granted

to the Earl the *Tertius denarius Comitatus*, the *third penny of the County*: and then the King girded him with the Sword of the County or Earldom. I will here set down a few examples of this (*u*).

K *Richard I*, in or about the fifth year of his reign, created *Geofrey Fitz Pierre* Earl of *Essex*, and granted to him the *Tertius denarius* of the County of *Essex* (*w*). But in regard K *Richard* did not, in his life-time, gird the said *Geofrey* with the Sword of the Earldom of *Essex*, K *John* in the first year of his reign, performed that ceremony; at the same time, K *John* girded *William Marescall* with the Sword of the Earldom of *Striguil* (*x*).

In the tenth year of K *Richard I*, *Hugh* Bishop of *Durham* owed the King *m* marks, for the County or Earldom of *Northumberland*, and *dc* marks, for the exchange of *Saberge* (*y*).

I would fain have produced some of the old Charters of Creation of Earls, of the reigns of the ancient Kings, to wit of K *Henry II*, K *Richard I*, and K *John*. But none of these old Creations are to be found in the Kings Rolls.

In

(*u*) Stephanus Rex Anglorum Archiepiscopis &c. Sciatis me fecisse Comitatem de Gaufrido de Magna Villa de Comitatu Essex[iæ] hæreditarie. Quare volo & concedo & firmiter præcipio, quod ipse, & hæredes sui post eum, hæreditario jure teneant, de me & de hæredibus meis, bene & in pace, & libere & quiete & honorifice, sicut alii Comites mei de terra mea melius vel honorificentius tenent Comitatus suos, unde Comites sunt &c. Testes Willelmus de Ipra, Henricus de Essexia, Johannes filius Roberti filii Walteri, Robertus de Novoburgo, Willelmus de Sancto Claro, Willelmus de Dammartin, Ricardus filius Urfi, Willelmus de Auco, apud Westmonasterium. *Ex Collectan. MSS. Willelmi Dugdale Equitis, L fol. 21. a. in Mus. Ashmol. Oxoniæ.*

(*w*) Et Galfrido filio Petri *xl l & x s & x d*, in tertio denario Comitatus. *Mag. Rot. 5 Ric. 1. Rot. 1. a. tit. Essex & Hurtfordscira. He was Sberif of these Counties at this time: Galfri-*

dus filius Petri debet — de Veteri firma de Effexa & Hurtfordscira. Ibidem.

Et Galfrido filio Petri *xx l & v s & v d*, in tertio denario Comitatus de *Essex*. *Mag. Rot. 9 Ric. 1. Rot. 5. a. tit. Essex & Hertfordscire. Hugo de Nevill, Unfridus de Barenton pro eo, Vicecomes de dimidio anno.*

(*x*) Eodem die coronationis suæ Johannes Rex accinxit Willelmum Marescallum gladio Comitatus de *Striguil*, & Gaufridum filium Petri gladio Comitatus de *Essex*; qui licet antea vocati essent Comites, & administrationem suorum comitatum habuissent, tamen non erant accincti gladio comitatus. Et ipsi illa die servierunt ad mensam Regis accincti gladiis. *Hoved. annales, pars poster. p 793. n. 50.*

(*y*) Hugo Dunelmensis Episcopus debet *M* marcas, pro Comitatu *Northumberland* habendo. Idem debet *dc* marcas, pro escambio de *Saberge*. *Mag. Rot. 10. Ric. 1. Rot. 10. a. tit. Northumberland.*

In the reign of K *Henry II*: the third penny of the County of *Essex* was vested in *Geofrey de Mandeville* Earl of *Essex*, and the third penny of the County of *Hertford* in the Earl of *Clare* (z).

The third penny of the County of *Norfolk* in *Hugh Bigot* Earl of *Norfolk* (a); The third penny of the County of *Sussex* in *William de Albeneio* Earl of *Sussex* (b).

Edward

(z) *In the Sixth year of K Henry II, Maurice de Tiretai Sherif of the Counties of Essex and Hertford was Allowed upon his Account the summs hereunder written, which he had paid to Earl Geoffrey de Mandeville, and to the Earl of Clare. Et Comiti Gaufrido, xli & xs xd, in Tercio Denario Comitatus De Effexa; Et Comiti de Clara xxxiii l & xxd, in Tercio denario Comitatus de Hurtfort. Mag. Rot. 6 Hen. 2. Rot. 2. a. Effexa & Hurtfortscira.*

(a) *Et Comiti Hug[oni] xvi l & xiii s & iiii d in tercio den[ario] Comitatus de dimidio anno. Mag. Rot. 16 Hen. 2. Rot. 1. a. Norf. & Sudf.*

(b) *Et Comiti Willelmo de Albeneio xx marcas in iii^o denario Comitatus Mag. Rot. 26 Hen. 2. Rot. 2. b. Sudsex.*

Et Willelmo de Vernun Comiti, ix l & iiii s & iiii d, de tercio denario Comitatus Devonæ de dimidio anno, per breve Regis. Mag. Rot. 6. Ric. 1. Rot. 12 a. Devenescira.

Comes Albericus [debet] cc marcas, pro habendo tercio denario Comitatus Oxoniæ de placitis, & ut fit Comes Oxoniæ. Mag. Rot. 7 Job. Rot. 16. b. Effexa & Hurtfordscira.

Idem Vicecomes r c de xxviii l de tercio denario Comitatus de Legercestria de vii annis præteritis, quos Comes Legercestriæ accipere noluit, nisi haberet similiter de Cremento, sicut Prædecessores sui recipere consueverunt tempore Regis Henrici; In thesauro liberavit, Et Quietus est. Mag. Rot. 27 Hen. 2, Rot. 5. b. Warewich-

scira & Legercestrescira.

Willelmus de Cahaines ut custos reddit compotum de xxx l numero de firma de Sudsexe de tribus partibus anni. In thesauro xx marcas. Et Comiti Willelmo de Arundell xv marcas de tercio denario Comitatus —.

Willelmus Briwere, Robertus Camerarius, pro eo reddunt compotum de xl numero de firma de Sudsexa de quarta parte anni. In thesauro nichil. Et in elemosina constituta Militibus de Templo & Willelmo Comiti de Arundell v marcas, de tercio denario Comitatus.

Idem Vic[ecomes] [viz. Willelmus de Cahaines debet:] de proficuo Comitatus de anno præterito, Et de tribus partibus hujus anni, sed non respondet de proficuo, quia nullum habuit proficuum. Mag. Rot. 10 Job. Rot. 5. a & b. tit. Sudsexia.

Rogerus de Aunteseye & Matildis uxor ejus, reddunt compotum de MMM & DC, & quater xx & viii l, & xviii s & ii d, pro W de Maundevill Comite Effexiæ, sicut continetur in Rotulo præcedente; In thesauro xxxiiii l, & vi s & ii d; Et in tercio denario Comitatus Effexiæ, quem Comes W de Maundevill, cujus hæres ipsa Matildis est, percipere consuevit; quem modo Vicecomes liberat in Thesauro Regis ad Scaccarium, lxxv l, & xiii s & xd; videlicet xxv l & iiii s, a quintodecimo die Februarii anno Regis xii^o, usque ad festum Sancti Michaelis anno eodem; Et xl l, & xs & xd, de toto hoc anno; Quæ quidem xl l xs & xd, debent illi allocari singulis

Edward son of the Duke of *York* had been lately made Earl of *Rutland* by K *Richard* II; That King, in the fourteenth year of his reign, granted to the said Earl the Castle of *Okeham*, and divers other Lands (c).

In

singulis annis in prædicto debito, per præceptum H de Burgo Justiciarii, donec totum prædictum debitum persolvatur. Et debent MMM & D & quater XX & viii l, & xviii s & iii d. *Mag. Rot. 13 Hen. 3. tit. Essex. & Hertford. in dorso.*

(c) *Originale 14 Ric. 2. Rot. 36.*

Rex eisdem [viz. Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ministris & omnibus Ballivis & fidelibus suis] salutem. Sciatis, quod cum decus Principum in sapientum & sublimium consistat multitudine subditorum, & eo magis regale attollatur folium & regni regimen roboretur, quæ plures sibi subsunt nobiles, status & eminentiæ celsioris: Nos considerantes strenuitatem excrecentem, prudentiam & gestum laudabilem, quos in carissimo fratre nostro Thoma Beaufort, qui tam propinque parentele linea nos attingit, vigere conspiciamus, ac proinde volentes personam suam juxta claritatem generis sui ac morum suorum merita, ut per ipsius potenciam regale sceptrum fulciatur, ad exaltationem & decenciam status sui peramplius honorare: Sperantesque indubie, quod prædictus frater noster, quem ad partes transmarinas pro titulo & jure hæreditatis nostræ ibidem viriliter Deo dante recuperandis & conquestandis ad præsens destinamus, tanto ferventius & animosius pro gratiosa executione tituli & juris nostrorum hujusmodi se exponet, quanto per nos gratiis & favoribus amplioribus fuerit insignitus; eundem fratrem nostrum in Comitem Dorset[etæ] ereximus, ac ipsum de nomine illo & honore eidem

appendente & annexo per cincturam gladii investivimus, Habendum & tenendum eidem fratri nostro nomen & honorem Comitis Dorset[etæ] & hæredibus suis masculis de corpore suo exeuntibus imperpetuum; & ut ad exaltationem nominis sequatur augmentatio facultatum, cum semper honoribus onera sint annexa, Dedimus, concessimus & hac carta nostra confirmavimus præfato Comiti sub nomine Comitis Dorset[etæ] viginti libras percipiend[as] sibi & hæredibus suis prædictis singulis annis ad Scaccarium nostrum ad terminos Sancti Michaelis & Paschæ per æquales portiones imperpetuum. Quare volumus & firmiter præcipimus pro nobis & hæredibus nostris prædictis, quod prædictus Thomas nomen & honorem Comitis Dorset[etæ] habeat, gerat & teneat, ac dictas viginti libras annuas sub nomine Comitis Dorset[etæ] ad Scaccarium nostrum prædictum & hæredum nostrorum habeat & percipiat sibi & hæredibus suis prædictis imperpetuum, sicut prædictum est. Hiis testibus &c. ut supra [viz. Venerabilibus patribus Thoma Cantuariensi, tocius Angliæ Primate Cancellario nostro, Henrico Eboracensi Angliæ Primate, Archiepiscopis, Th[oma] Dunolm[ensi], Nicolao Bathon[iensi] & Wellen[si] Episcopis, Willelmo de Roos de Hame-lak, Henrico de Beaumont Consanguineo nostro, Johanne Pelham Chivaler, Thesaurario, Ricardo Grey de Codenore Camerariis nostris, Johanne de Stanley Senescallo Hospitii nostri, Johanne Prophete Custode privati Sigilli nostri & aliis. Data per manum Regis apud Retherhithe quinto die Julii. Per ipsum Regem. *Cart. 13 Hen. 4. m. 3.*

In the reign of K *Edward VI*, *William Lord Herbert de Kerdyff* was created Earl of *Pembroke*; and had twenty pounds a-year for Creation-money assigned to him, payable *de Custumis de Bristollia*, out of the Customs of the City of *Bristol* (*d*).

Titular

(*d*) Anglia, Pembrokia, Bristollia. *Mich. Communia*, 5 *Edw.* 6. *Rot.* 56. *a*.

Rex eisdem [viz. Archiepiscopis &c.] salutem. Sciatis, quod cum nuper personam dilecti Consanguinei, & fidelis nostri Jacobi le Botiller de Hibernia honorare volentes, dederimus ei nomen & honorem Comitis de Ormound in Hibernia, ipsumque Comitem de Ormound præfecerimus & gladio cinxerimus. Nos contemplatione præmissorum dedimus, concessimus & hac carta nostra confirmavimus eidem Comiti decem libras annui redditus, Habendum percipiendum & tenendum eidem Comiti & hæredibus suis sub nomine & honore Comitis de Ormound de firma Civitatis nostræ de Waterford in Hibernia, per manus Ballivorum ejusdem Civitatis, qui pro tempore fuerint, imperpetuum. Quare volumus & firmiter præcipimus pro nobis & hæredibus nostris, quod prædictus Comes & hæredes sui habeant, percipiant & teneant prædictas decem libras sub nomine & honore Comitis de Ormound singulis annis de firma Civitatis prædictæ per manus Ballivorum ejusdem Civitatis, qui pro tempore fuerint, imperpetuum, sicut prædictum est. His testibus Venerabilibus patribus H. Lincoln[ensi] Episcopo Cancellario nostro, Th[oma] Hereford[ensi] Episcopo The[s]aurario nostro, J. Eliensi Episcopo, Johanne de Warena, Comite Surr[eiæ], Henrico de Percy, Gilberto Talebot, Johanne de Wysham Senescallo Hospitii nostri, & aliis. Data per manum nostram apud Saresberiam secundo die Novembris. Per breve de privato Sigillo.

Et mandatum est Ballivis Civitatis

Regis de Waterford in Hibernia, qui nunc sunt vel qui pro tempore fuerint, quod eidem Comiti prædictas decem libras singulis annis de firma Civitatis Regis prædictæ liberent, Habendum juxtatentorem Cartæ Regis supradictæ; vult enim Rex ipsos inde in firma Civitatis prædictæ erga Regem & hæredes Regis exnunc exonerari. Teste Rege apud Sar[esberiam] secundo die Novembris. Per idem breve. *Chart.* 2 *Edw.* 3. *m.* 5. *nu.* 16.

Rex Archiepiscopis, Episcopis &c. salutem. Sciatis, quod certis de causis nos specialiter moventibus & præcipue memoriæ reducentes propinquitatem nobis in sanguine dilecti nepotis nostri Johannis filii & hæredis prædilecti fratris nostri Johannis Ducis Suff[olciæ] ipsum Johannem Nepotem nostrum Comitem Lincoln[ie] ex certa scientia nostra erigimus, ordinamus, præficimus & creamus, ac omnimoda stylum, titulum, nomen, sedem, prærogativam & præeminenciam statui illi quomolibet pertinentia eidem Nepoti nostro damus, conferimus & concedimus per præsentem. Et quia crescente status celsitudine ex consequenti necessario crescunt sumptus & onera grandiora, de speciali gratia nostra, præmissorum intuitu, & pro hujusmodi statu decen-
tius & honorificentius per ipsum nostrum nepotem & hæredes suos masculos manutenendo & sustentando, concessimus eidem nepoti nostro viginti libras percipiendas annuatim de exitibus, proficuis & reventionibus de Comitatu Lincoln[ie] provenientibus per manus Vicecomitis ejusdem Comitatus pro tempore existentis, ad terminos Paschæ & Sancti Michaelis per æ-

quales portiones; Habendum & tenendum omnia hujusmodi stylum, titulum, nomen, sedem, prærogativam & præeminenciam, cum omnibus suis juribus & pertinentiis quibuscumque, nec non prædictas viginti libras annuas eidem nepoti nostro & hæredibus suis masculis de corpore suo legitime procreatis, eo quod expressa mencio de aliis donis & concessionibus per nos eidem nepoti nostro per antea factis in præsentibus minime facta existit, aut aliquo statuto, actu, ordinatione, provisione sive restrictione in contrarium editis, factis sive provis non obstantibus. In cujus &c. Teste Rege apud Westm[onasterium] xiii^o die Marcii. Per ipsum Regem. *Cart. de annis 5, 6, & 7, Edw. 4. m. 10.*

Rex omnibus ad quos &c. salutem. Sciatis, quod pro bonis & gratuitis serviciis, quæ dilectus & fidelis Miles noster Johannes de Beauchamp de Holt Senescallus Hospicii nostri nobis impendit, ac loco per ipsum, tempore Coronationis nostræ, hucusque nobis impenso, & quem pro nobis tenere poterit in futuro in nostris Consiliis & Parliamentis, necnon & pro nobili & fideli genere, unde descendit, ac pro suis magnificis sensu & circumspeditione, ipsum Johannem in unum Parium ac Baronum regni nostri Angliæ præfecimus, Volentes, quod idem Johannes & hæredes masculi de corpore suo exeuntes statum Baronis optineant, ac Domini de Beauchamp & Barones de Kydermyster nuncupentur. In cujus &c. Teste Rege apud Wodestok x^o die Octobris. *Pat. 11 Ric. 2. pars 1. m. 12.*

Rex Omnibus ad quos &c. salutem. Sciatis, quod nos intime considerantes magna & gratuita obsequia, honores & labores, quæ dilectus & fidelis noster Thomas Percy Miles nobis multipliciter impendit, indiesque impendere non desistit, de gratia nostra speciali & ex certa scientia & mero motu nostris præfatum Thomam in Ba-

ronem regni nostri Angliæ tenore præsentium ereximus, præficimus, & creamus, eidemque Thomæ nomen, stylum, titulum & honorem Baronis Egremontis imponimus, damus & concedimus & assignamus, quod quidem Dominium de Egremont est infra Comitatum Cumbr[ia], Habendum eidem nomen, stylum, titulum & honorem sibi & hæredibus suis masculis imperpetuum. Volentes ulterius & concedentes eidem Thomæ, quod ipse nomen Baronis Egremont habeat & gerat, ac Baro Egremont vocitetur & nuncupetur, ac hæredes sui prædicti Barones Egremont prædicti vocitentur & nuncupentur. Et idem Thomas & hæredes sui prædicti, ut Barones ejusdem regni nostri in omnibus, teneantur, tractentur & reputentur, & eorum quilibet teneatur, tractetur & reputetur, sedemque & locum suos in Parliamentis & Consiliis ac etiam in præfenciis regiis infra dictum regnum nostrum Angliæ inter cæteros Barones ejusdem regni nostri habeant, teneant & possideant, necnon omnibus & singulis præeminenciis, libertatibus, privilegiis & immunitatibus ubicumque infra idem regnum nostrum & alibi gaudeant & utantur, adeo plene & integre ac eisdem modo & forma, quibus alii Barones dicti regni nostri & alibi ante hæc tempora melius, honorificentius & quietius usi fuerunt & gavisi, seu ad præsens gaudent & utuntur, aliquo statu seu feoffamento per prædictum Thomam aut aliquem hæredum suorum de dicto Dominio de Egremont aut de aliqua inde parcella ad eorum usum quovismodo alicui fiendis non obstantibus. Et ulterius nos considerantes, ut præfatus Thomas & hæredes sui prædicti hujusmodi statum suum decentius & honorificentius manutenere & sustentare valeant, & quilibet eorum valeat, concessimus eidem Thomæ decem libras percipiendas singulis annis sibi & hujusmodi hæredibus suis masculis,

Titles of Earl, Viscount, Baron.

AT the time of the Conquest Creations of Titular Earlships were in use in *England*: And they have been in use from that time ever since.

I do not at present remember the Age or Kings reign wherein the Title of *Baron* was first granted by Charter or Patent Letter of the Great Seal. *Mr Selden* of famous memory thought these Grants or Patents for the Title of *Baron* came into use in the reign of K *Richard II* (e).

In *England* the Title of *Viscount* is commonly thought to be of modern Date. The Beginning or introduction of that Title is usually ascribed to the reign of K *Henry VI*; in the case of *John Viscount Beaumont* (f).

In a Record of the reign of *Henry I* King of *England*, mention is made of a great man who is styled *Anselmus Vic. Roth.* I read the two words thus written contracted, *Vic[ecomis] Roth[omagi]*, *Viscount of Rouen*. This *Anselm* fined to the King in half a mark of Gold, that he might hold *in capite* of the Bishop of *Winton*, certain lands which he held of *Thomas de St John* (g).

In the fourth year of K *Henry II*, mention is made of a great Lady

masculis imperpetuum de exitibus, proficuis, firmis & reventionibus provenientibus de prædicto Comitatu Cumbr[iæ] per manus Vicecomitis ejusdem Comitatus pro tempore existentis, ad terminos Paschæ & Sancti Michaelis, per æquales portiones, eo quod expressa mencio de aliis donis & concessionibus per nos præfato Thomæ ante hæc tempora factis in præsentibus minime facta existit non obstantibus; & hoc absque fine seu feodo quocumque pro præsentibus literis nostris aut sigillo vel figillatione earundem nobis aliquallyter solvendis. In cujus &c. Teste Rege apud Westmonasterium xxº die Novembris. Per breve de privato Sigillo, & de data prædicta &c. *Pat. 28 Hen. 6. pars 1. m. 10.*

(e) *Tit. Hon. p 617. edit. 1672.*

(f) *Seld. Tit. Hon. p 630. edit. in Folio, A D 1672. Croke Rep. Temp. Car. 1. p 136; in the case of William Viscount Say and Seal against Stephens. In that case it is said, " In the eighth year of K Henry VI was the first Viscount; and in the one and twentieth year of the said King was the question for their Seats in Parliament.*

(g) *Anselmus Vic[ecomis] Roth[omagi] reddit compotum de dimidia marca auri, ut teneat in Capite de Episcopo Wintoniensi terras quas tenuit de Thoma de Sancto Johanne. Mag. Rot. anni incerti Hen. 1. Rot. 13. a. Berchescira.*

Lady who is styled *Vicecomitissa*, without any other name or description (*b*).

In the fifth year of K *Henry II*, mention is made of a *Vicecomitissa de Roth*. accounting to the King for the Ferm of the Town of *Hampton* (*i*). And in the fifteenth year of K *Henry II*, mention is made of a *Vicecomitissa de Bello monte* (*k*).

In the third year of K *Henry III*, *John le Vescunt* or *Viscunte* held a Barony in *Northumberland* of the King in chief. He paid *c l* Relief for it; which was the Relief for an entire Barony (*l*).

In

(*b*) DEVENESCIRA. RICARDUS de Redviers reddit compotum de *xxii l* & *ii s* & *iiii d* bl[ancorum] de Veteri firma; VICECOMITISSÆ liberavit, per breve Regis, Et Quietus est.

Idem Ricardus r c de *xv l* numero, de Veteri firma de Liftuna; Eidem Vicecomitissæ liberavit, per breve Regis, Et Quietus est.

Idem Ricardus r c de *xxxiiii l* numero, de Veteri firma de Cheutuna; Eidem Vicecomitissæ liberavit, per breve Regis, Et Quietus est.

In like manner the same Sherif answereth for the several Old Ferms of the Manours or Towns of Fenotri, Wicha, Ailrichestuna, Tauton, the Minaria, the Feria Exoniæ and the Lestagium. All these Ferms are paid eidem Vicecomitissæ in manner as above.

Willelmus de Boterell[is] r c de Nova firma de Devenescira. In thesauro—.

Idem Vicecomes r c de *xv l* numero de firma de Liftuna, and the several summs of the Ferms of Cheuton, Ge-delega, Fenotri, Wicha, Ailrichestun, and Tauton: Regina, per breve ipsius, quater *xx l* *ii s* & *ix d* numero; Et Quietus est.

Idem Vicecomes r c de *xvi l* & *xiii s* & *iiii d* de Minaria Stagni; Regina liberavit, per breve ipsius, Et Quietus est. Idem Vicecomes r c de *lx s* de feria Exoniæ; Regina liberavit, per

breve ipsius, Et Quietus est. Idem Vicecomes r c de Lestagio de *lx s*; Regina liberavit, per breve ipsius, Et Quietus est. Mag. Rot. 4 Hen. 2. Rot. 6. b. m. 1.

(*i*) Vicecomitissa de Roth. debet— de Veteri firma de Hantona. Mag. Rot. 5 Hen. 2. Rot. 7. b. tit. Hantona.

(*k*) Aluredus de Coleberga r c de *cs*, pro propeftura facta in foresta super defensionem; In Perdonis, per breve Regis, Vicecomitissæ de Bello monte, de misericordia ejusdem Aluredi *cs*, Et Q. e. Mag. Rot. 15 Hen. 2. Rot. 4. b. Devenescira.

(*l*) Johannes Vicecomes debet *c l*, pro relevio de terra quam tenet de Rege in baronia. Mag. Rot. 3 Hen. 3. Rot. 14 a. Northumberland, m. 1.

Johannes Vicecomes r c de *c l*, pro Relevio suo de terra quam tenet de Rege: In thesauro *l* marcas: Et debet *c* marcas; De quibus per annum *xl* marcas. Mag. Rot. 4 Hen. 3. Rot. 14 b. Northumb. tit. De Oblatis.

Johannes le Viscunte r c de *c* marcis, pro relevio suo de terra quam tenet de Rege; In thesauro *xx l*; Et debet *xlvi l* & *i* marcam. Mag. Rot. 5 H 3. Rot. 1. b. Northumb. tit. De Oblatis.

Johannes le Vescunte r c de *xlvi l* & *i* marca, pro relevio suo de terra quam tenet de Rege; In thesauro *xx l*; Et debet *xxvi l* & *i* marcam. Mag. Rot. 6 H 3. Rot. 15 b. Northumb.

Johannes

In *England* the word *Vicecomes* signified in former times only a *Sherif* of a County. It was brought into use in *England* at or after the *Norman* Conquest. It is to be remembred, that the Lord or Ruler of *Normandy* was called *Comes*, *Count*; And that the persons whom the *Earl* or *Count* of *Normandy* set over the Provinces of that Countrey were called *Vicecomites*, because they were *Vicegerents* of their Earl or Prince. So it was also in *England* after the Conquest. The Sherifs of Counties were called *Vicecomites*: And these *Vicecomites* were usually the Princes *Castellans* or Prefects of his Castles; and commonly were *Barons* or *reputed Barons*. For in several Countries in *Europe*, *Castellans* were of the rank of *Barons*.

In progress of time, the name of *Vicecomes*, *Viscount*, came to be a mere Title of Honour, without any Prefecture annexed to it.

It is certain, that the Dignity or Title of *Viscount* and *Viscountess* was in use in Old times in Foreign Countries.

In *France*, there was *Ralf* Viscount and *Emme* Viscountess of *Cenomannia* or *Mans* (*m*), *William* *Vicecomes Agathensis* and *Arfindis* his Lady styled Viscountess (*n*).

It seemeth that Titular Baronies were built upon the Plan of Land-Baronies, in point of hereditary succession or descent.

K *Richard* II, by the common consent and counsel of all the Prelates Lords and *Magnates* of the Realm of *England*, and others of his Council, assembled in his Parliament holden at *Westminster* in the fourteenth year of his reign, and also at the special request of all the Commonalty of the said Realm, likewise gathered together in the same Parliament, did of his abundant Will,

Johannes de Viscunte r c de xxvi/ & i marca, pro relevio suo de terra, quam tenet de Rege: In thesauro liberavit, Et Quietus est. *Mag. Rot.* 7. *H 3. Rot.* 2. a. *Norbumb.*

(*m*) Anno ab incarnatione Domini nostri Jesu Christi millesimo quinquagesimo octavo, obiit Emma vicecomitissa Cenomanensium, 2 idus Septembris—. Itaque Radulfus Vicecomes, ad quem per prædictam conju-

gem suam Emmam possessio illa pervenerat, — ad exequias uxoris dilectæ, Sancto Sergio medietatem curtis & Ecclesiæ S Remigii libenter restituit. *Thesaur. Anecd.* T 1. col. 184, 185. per *Martene & Durand.*

(*n*) Ego Guillelmus Vicecomes (sc. Agathensis) ad manumissores suos his nominibus, Matfredus Episcopus, Stephanus Episcopus, Arfindis Vicecomitissa—. *sine data. Ibid.* col. 179.

Will, special grace, and of his own knowledge and motion, give grant and confirm, by his Charter, for him and his heirs, to his dear Uncle *Edmond*, the Name, State, Title and Honour of Duke of *York*, to hold to him and his heirs Male, issuing of his Body for ever. And the said King of his special grace, and by the Assent and at the Request aforesaid, for the more honourable maintenance of the State of the said Duke, covenanted to give, deliver and assign to the said Duke and his heirs Males for ever, lands, tenements and rents to the value of *ml per annum* (a).

Partly

(a) Ebor[aciscira], Midd[elfexia]. Pro Ricardo Duce Ebor[aci] querente, versus Johannem Bedford & alios Custumarios Domini Regis in Portu Villæ de Kyngeston super Hull, in placito debiti per billam.

Ricardus Dux Ebor[aci] venit coram Baronibus hujus Scaccarii, decimo die Maii hoc Termino, per Johannem Gloucestre Attornatum suum, & queritur per billam suam de Johanne Bedford & Patricio Skypwyth, Custumariis & Collectoribus Domini Regis nunc, tam Magnæ Custumæ dicti Domini Regis, quam Subsidii lanarum, in Portu Villæ de Kyngeston super Hull, præsentibus in Curia eodem die super visu compoti sui in propriis personis suis, de eo quod prædicti Custumarii ei injuste detinent duo milia quadringentas sexaginta & sex libras, duos solidos, undecim denarios, obolum & quadrantem argenti, quos ei debent, & pro eo injuste, quod cum Dominus Ricardus nuper Rex Angliæ secundus post conquestum, de communi assensu & Consilio omnium Prælatorum, Dominorum & Magnatum regni sui Angliæ, & aliorum de Consilio suo, in Parlamento apud Westm[onasterium] in Craſtino Sancti Martini anno regni sui quartodecimo tento existentium, ac etiam ad specialem requisitionem, & ex assensu totius Communitatis ejusdem regni in eodem Parlamento similiter existentium, ex ha-

bundanti voluntate & gratia sua speciali, & ex propriis scientia & motu, dederit & conceſſerit, & per Cartam suam confirmaverit, pro se & hæredibus suis, carissimo avunculo suo Edmundo nomen, statum, titulum & honorem Ducis Ebor[aci], Habendum & tenendum sibi & hæredibus suis masculis de corpore suo exeuntibus imperpetuum; ac etiam de gratia sua speciali, & ex assensu suo prædicto, ac ad requisitionem prædictam, eidem Duci & hæredibus suis masculis prædictis de corpore suo procreatis, pro statu Ducis prædicto honorificentius manutenendo & sustentando, terras, tenementa, possessiones & redditus infra dictum regnum Angliæ, usque ad valorem Mille librarum per annum, pro se & hæredibus suis masculis supra dictis committenda, danda, deliberanda & assignanda realiter facerent, Habendum & tenendum eidem Duci & hæredibus suis masculis supradictis imperpetuum, ultra omnia & singula præmissa, donationes, concessiones & assignationes per prædictum nuper Regem, aut per Edwardum nuper Regem Angliæ avum suum, eidem Duci pro vita sua, seu sibi & hæredibus suis, aut sibi & hæredibus suis de corpore suo exeuntibus, aut sibi & hæredibus suis masculis de corpore suo exeuntibus, aut sibi & Isabellæ uxori suæ, vel sibi & præfatæ Isabellæ uxori suæ & Edwardo filio prædictorum Ducis & Isabellæ

Isabellæ factis, seu quocumque modo per ipsum nuper Regem Ricardum vel hæredes suos faciend[a], alia quam præmissa, donationes, concessiones & assignationes eidem Duci & hæredibus suis masculis prædictis, pro statu suo Ducis supradicto, ut prædictum est, faceret, seu quod prædictus nuper Rex Ricardus vel hæredes sui sibi & eisdem hæredibus suis masculis pro prædicto statu Ducis extunc facerent, & quod idem nuper Rex Ricardus voluerit ulterius & concefferit, & per Cartam suam confirmaverit, pro se & hæredibus suis, de assensu supradicto, & ad requisitionem supradictam, præfato Duci, quod ipse & hæredes sui masculi supradicti imperpetuum haberent, tenerent & perciperent dictas Mille libras per annum, sibi pro statu suo Ducis supradicto honorificentius manutenendo concessas, ad Scaccarium suum & hæredum suorum, & alibi infra regnum suum Angliæ, in locis præfato Duci & hæredibus suis masculis supradictis assignatis, in forma subsequenti, videlicet, tam de antiquis Custumis ipsius nuper Regis Ricardi & hæredum suorum lanarum, coriorum & pellium lanutarum, quam de Subsidiis lanarum, coriorum & pellium lanutarum eidem nuper Regi Ricardus concessis, & de quolibet hujusmodi Subsidio sibi vel hæredibus suis extunc concedendo, in Portu supradicto, pro toto tempore quod hujusmodi Custumæ vel Subsidia ibidem essent, videlicet in prædicto Portu de Kyngeston super Hull, inter alia quadringentas libras, per manus Custumariorum, Collectorum, Firmariorum, Receptorum seu Occupatorum hujusmodi Custumarum & Subsidiorum in Portu supradicto, qui pro tempore forent, aliquibus ordinationibus, concessionibus seu assignationibus super Custumis vel Subsidiis supradictis factis vel faciendis non obstantibus, Habendum & tenendum in partem sa-

tisfactionis dictarum Mille librarum annuarum eidem Duci & hæredibus suis masculis supradictis, pro statu suo Ducis supradicto honorificentius manutenendo, per prædictum nuper Regem Ricardum concessas, in forma supradicta, ad Terminos Paschæ & Sancti Michaelis, per æquales portiones imperpetuum, in forma prout in prædictis Literis patentibus inde confectis plenius apparet. Virtute quarum quidem concessionum & donationum prædictus Edmundus de prædictis quadringentis libris fuit seifitus, & inde obiit seifitus; post cujus mortem eadem quadringentæ libræ inter alia terras & tenementa per formam donationis supradictæ descenderunt Edwardo Duci Eboraci, ut filio & hæredi prædicti Edmundi. Et postea ducentæ marcæ, ut tertia pars prædictarum quadringentarum marcarum, assignatæ fuerunt cuidam Johannæ nuper uxori prædicti Edmundi, Habendum & tenendum nomine dotis, ex dotatione prædicti Edmundi nuper viri sui. Et postea prædictus Edwardus de prædictis quadringentis marcis unacum reversione prædictarum ducentarum marcarum obiit seifitus sine hærede de corpore suo procreato, & de præfato Edwardo descenderunt prædictæ quadringentæ marcæ, unacum reversione prædictarum ducentarum marcarum, præfato nunc Duci, ut Consanguineo & hæredi prædictorum Edwardi & Edmundi, videlicet filio Ricardi fratris prædicti Edwardi filii prædicti Edmundi. Et de quibus quidem quadringentis marcis præfatus nunc Dux, ut Consanguineus & hæres prædicti Edwardi, per formam donationis & concessionis prædictarum in forma prædicta extra manus dicti Domini Regis nunc habuit liberationem, inter alia per debitam formam legis, duodecimo die Maii anno regni dicti Domini Regis nunc decimo. Et postea præfata Johanna obiit.

Post

Post cujus mortem prædictus nunc Dux habuit liberationem debita forma legis de prædictis ducentis marcis, ut Consanguineus & hæres prædicti Edmundi per formam Donationis supradictæ, videlicet vicesimo quinto die Junii anno regni dicti Domini Regis nunc duodecimo. Et quod postea quoddam breve sub Magno Sigillo dicti Domini Regis nunc, de data vicesimi septimi diei Decembris anno regni dicti Domini Regis nunc decimo octavo, emanavit extra Cancellariam Domini Regis vocatum *Liberate Curraunt*, recitans liberationes prædictas, directum Custumariis, Collectoribus, Firmariis, Occupatoribus & Receptoribus tam Magnæ Custumæ dicti Domini Regis nunc, quam Subsidii lanarum, in prædicto Portu Villæ de Kyngeston super Hull, qui adtunc fuerunt, vel qui pro tempore forent, per quod quidem breve præceptum fuit præfatis Custumariis, Collectoribus, Firmariis, Occupatoribus & Receptoribus tam Magnæ Custumæ supradictæ, quam Subsidii prædicti, in Portu prædicto, quod solverent eidem Duci nunc querenti id quod ei aretro fuit de prædictis quadringentis marcis annuis, parcella de prædictis quadringentis libris annuis, a prædicto duodecimo die Maii dicto anno decimo dicti Domini Regis nunc, ac etiam de eo quod ei aretro fuit de prædictis ducentis marcis annuis, residuis de eisdem quadringentis libris annuis, a vicesimo quinto die Junii anno regni dicti Domini Regis nunc duodecimo; Et easdem quadringentas libras annuas a prædicto vicesimo septimo die Decembris annuatim durante vita sua, de Custumis & Subsidiiis prædictis in Portu prædicto ad Terminos supradictos, de tempore in tempus juxta tenorem Cartæ Literarum & liberationum prædictarum, Recipientes de præfato nunc Duce de tempore in tempus Literas suas acquietantiæ de solutionibus sic factis testificantes, quæ pro eodem Domino Re-

ge forent sufficientes in ea parte; per quas & prædictum mandatum dicti Domini Regis nunc, ipsi inde in compoto suo ad Scaccarium prædictum de tempore in tempus reddendo debitam allocationem haberent; prout in eodem brevi plenius continetur. Quod quidem breve liberatum fuit vicesimo die Februarii dicto anno decimo octavo, præfatis Johanni Bedford & Patricio adtunc Custumariis in Portu de Hull supradicto, de Custumis & Subsidiiis prædictis, apud Villam Westmonasterii in Comitatu Midd[el]sexia, per manus Johannis Wygemore fervientis præfati Ducis, per præceptum ejusdem Ducis nomine suo. Et licet prædicti Custumarii sæpius fuerint requisiti ex parte prædicti Ducis ad ei faciendum solutionem de summa prædicta, ad quod quidem tempus ipsi habuerunt satis in manibus suis in in prædicta Villa Westmonasterii, de Custumis & Subsidiiis supradictis ad satisfaciendum dicto Supplici, de eo quod ei est de prædictis quadringentis libris debitum, nichilominus prædicti Johannes Bedford & Patricius dictas duo Milia quadringentas sexaginta & sex libras, duos solidos, undecim denarios, obolum & quadrantem præfato nunc Duciolvere noluerunt, set hoc facere contradixerunt, & adhuc contradicunt: Et unde prædictus Dux deterioratur, & dampnum habet ad valentiam trium Mille librarum. Et hoc offert &c.

Et prædicti Johannes Bedford & Patricius in propriis personis suis præfentes &c. petunt auditum billæ prædictæ; & eis legitur &c; qua audita, dicunt, quod ipsi ad præfens non sunt avifati ad respondendum præfato nunc Duci in præmissis, & petunt diem inde loquendi usque a die sanctæ Trinitatis in xv dies, citra quem &c. quod per Curiam concessum est eis. Et idem dies datus est præfato nunc Duci hic &c. *Placita coram Baronibus* 18 Hen. 6. Rot. 43. a.

Partly Title, partly Service.

THE following is a case of a Creation consisting partly in Title and partly in Tenure or Service.

King *Edward* III, in or about the eleventh year of his reign, by the common assent and advice of the Prelates, Earls, Barons, and others of his Council, assembled in his Parliament holden at *Westminster*, granted to *William de Bohun* the name and honour of Earl of *Northampton*; and girded him with the Sword as Earl; and granted to him *xxl* a-year Creation-money, payable out of the Ferm or Issues of the County of *Northampton*, by the hands of the Sherif for the time being; to hold to *William* and his heirs, of the King and his heirs for ever. The King also granted to the said Earl, by the assent of the Prelates, Earls, Barons, and others of his Council, assembled in his said Parliament, the Reversions of the Manour and Town of *Staunford*, and of the Manour and Town of *Grantham*, and of other Castles and Manours, to hold to the said Earl and the heirs Male of his body, at one thousand pounds *per annum*, by the Service of one Knights Fee (*p*).

This

(*p*) *Whereas the King* [viz. *Edw. III*], de communi assensu & consilio Prælatorum, Comitum, Baronum & aliorum de Consilio nostro, in præsentī Parlamento nostro apud Westm[onasterium], die Lunæ proximo post festum Sancti Matthiæ Apostoli proximo præteriti, convocato, existencium, *had given to William de Bohun* Consanguineo suo carissimo, nomen & honorem Comit̃s de Northampton, & gladio cinxerimus, sicut decet; *and by charter had given him* *xxl*, sub nomine & honore Comit̃s de Northampton, de Firma five exitibus Comitatus Northamptoniæ, singulis annis ad Pascha & festum sancti Michaelis solvendas, per manus Vicecomitis Comitatus prædicti pro tempore existentis, Habendum sibi & hæredibus suis, de nobis & hæredibus nostris imperpetuum, prout in

Carta plenius continetur: *The King doth now grant to the said Earl*, de assensu Prælatorum, Comitum, Baronum & aliorum de Consilio nostro in eodem Parlamento nostro sic existencium, *the several Reversions of the Manour and Town of Staunford, and of the Manour and Town of Grantham in Comitatu Lincolnæ —, and other Castles and Manours, viz. Foderinghey, Okham in Rutland, and the Vicecomitatus Rotel[and]iæ*, Habendum to the said Earl, & hæredibus masculis de corpore suo legitime procreatis: *And if the premisses so granted fall short of one thousand pounds per Annum, the King to make it up so much; And if they exceed m l, then the Earl to answer the Surplus to the King: The Earl to hold the same of the King and his heirs, per servitium unius feodi*

Q q

Militis

This is a great Deviation from the ancient course of Creations; namely in creating an Earl, to hold by the Service of one Knights Fee.

Comes Palatinus.

WHAT was meant in *England* by the terms *County Palatine*. I must explain this by Example and Prefident rather than by Definition.

As to the Earl of *Chester*; from the *Norman* Conquest downward, he was a Great and Splendid Lord: But at what time or upon what occasion he first came to be styled an *Earl Palatine*, I do not remember.

As to the Earldom of *Durham*:

In the One and twentieth year of K *Edward* I, a great Cause was brought before the *King* and *his Council*, at the Kings Suit or Attachment, touching the behaviour of *John* Archbishop of *York* towards *Anthony* Bishop of *Durham*. The cause was first commenced before the Court of *Kings Bench*, Then brought before the *Kings Council*, and then before the *Kings Council in Parliament*. In the Court of *Kings Bench*, *Richard de Brettevill*, the Kings General Attorney, Pleadeth, amongst other things, that the Bishop of *Durham* hath two States, namely, the state of a Bishop as to *Spirituals*, and the state of a *Comes Palatii*, an *Earl of the Palace* as to his *Temporalties* (q).

In

Militis —; with several other clauses —. Testibus, venerabilibus patribus J Cantuariensi Archiepiscopo, totius Angliæ Primate, Cancellario nostro, H Lincolnienfi Episcopo Thesaurario nostro, Ricardo Dunelmensi Episcopo, Thoma Comite Norfolciæ & Marefcallo Angliæ, Johanne de Warrenna Comite Surreiæ, Thoma Wake de Lydel, Johanne de Moubay, Johanne Darcy le Neveu Senefcallo Hospicii nostri, & aliis. Datum per manum nostram apud Westm[onasterium] xviii^o die Marcii. Per ipsum Regem & Consilium suum in Parlamento.

Originale 11 Edw. 3. Rot. 50. tit. Extractæ Cartarum de anno regni Regis Edw. 3. post Conquestum undecimo.

(q) Processus habitus coram Rege & Consilio, in attachiam[ento] factô super J Ebor[acensem] Archiepiscopum per Regem, pro factô inter ipsum Archiepiscopum & A Dunelm[ensem] Episcopum.

Johannes Archiepiscopus Ebor[acensis] attach[iatus] fuit ad respondendum Domino Regi, de placito quare cum placita de Inprisonamentis & aliis transgressionibus in regno Regis contra pacem Regis factis, ad Regem, Coronam

In this Proceſs the Archbiſhop of *York* admitteth the Biſhop of *Durham's* twofold Capacity, namely, that of a *Biſhop* united to that of a *Baron*. This twofold Capacity the other Biſhops of *England*, had, as well as *Durham*; they had a Spiritual Office, to wit, a Biſhoprick, and a ſecular Dignity, to wit, a Barony. The Archbiſhop of *York* ſeems to make little or no difference between the Biſhop of *Durham* and the other Biſhops, in reſpect of the
Palatine

Coronam & Dignitatem ſuam ſpecialiter pertineant —.

— Et unde Dominus Rex per Ricardum de Brettevill, qui ſequitur pro eo, dicit quod —.

Et Archiepiſcopus venit, & defendit omnem contemptum, & totum &c. Et dicit quod —.

Et Ricardus de Brettevill qui ſequitur pro Rege dicit, quod prædictus Epicoſpus Dunelm[enſis] habet duos ſtatus, videlicet ſtatum Epicoſpi quoad ſpiritualia, & ſtatum Com[itis] Palatii quoad ten[ementa] temporalia —. Et dicit quod licet —. petit judicium de cogn[itione] ipſius Archiepiſcopi &c. Dies datus eſt prædicto Archiepiſcopo, & Ricardo de Brettevill qui ſequitur pro Rege, a die Paſchæ in tres ſeptimanas coram Domino Rege ubicunque &c. Poſtea, a die Paſchæ in tres ſeptimanas, venit prædictus Archiepiſcopus coram Rege & ejus Conſilio. Et idem Archiepiſcopus quæſitus, ſi quid plus velit dicere, vel aliud dicere ſciat quam prius dixit, Dicit quod —. *Upon the Whole matter*, Videtur Domino Regi in pleno parlamento ſuo prædicto, Com[itibus], Baron[ibus], Juſtic[iariis], & ſimiliter toti Conſilio ipſius Domini Regis, quod prædictus Archiepiſcopus in quantum in ipſo fuit, nitebatur occupare & uſurpare ſuper Coronam Regiam & dignitatem —. Propter quod per Com[ites], Baron[es], Juſtic[iarios] & omnes alios de Conſilio ipſius Domini Regis unanimiter concordatum eſt, quod prædictus Archiepiſcopus com-

mittatur priſonæ pro offeſſa & tranſgr[effione] prædictis. Et ſuper hoc ante judicium pronunciatum, licet unanimiter de conſenſu Magnatum & aliorum concordatum fuiſſet, tenendum in hoc caſu, & ſimiliter in caſibus conſimilibus imperpetuum, prædictus Archiepiſcopus Magnates & alios de Conſilio ipſius Domini Regis rogavit, quod pro eo Dominum Regem requirerent, ut ante pronunciationem judicii ipſum ad gratiam ſuam admitteret & voluntatem ſuam. Et dominus Rex ad inſtanciam eorundem Magnatum, de gratia ſua ſpeciali, hoc idem ipſi Archiepiſcopo conceſſit. Et idem Archiepiſcopus humiliter ſupplicat, quod poſſit de omnibus præmiſſis alto & baſſo voluntati Domini Regis ſe ſubmittere. Ac Dominus Rex, ad inſtanciam prædictorum Magnatum admittit ipſum juxta petitionem ſuam ad voluntatem &c. Et dictum eſt eidem Archiepiſcopo, ſub gravi forisfactura, quod non recedat a parlamento iſto, donec ſuper præmiſſis Domini Regis audierit voluntatem &c. Poſtea venit prædictus Archiepiſcopus, & fecit finem cum Domino Rege pro tranſgr[effione] prædicta, pro quatuor millibus marcarum, per ſcriptum ſuum obligatorium in hæc verba. Noverint uni-verſi, quod nos Johannes permiſſione divina —. *Here followeth the Archbishops Bond. And ſo the Proceeding endeth. Claus. 21 Edw. 1. m. 3. dorſo. Vid. Rileys Plac. Parl. p 135; This Proceeding is there ſet-down at large.*

Palatine Capacity of the former, and the Baronial Capacity of the later; as if men had not at that time in *England* a distinct notion of the Title of a *Palatine* (r).

The Earldom of *Lancaster* was created *Palatine* by a Charter of K *Edward* III, dated in the _____ year of his reign. The King by that Charter, amongst many other things therein contained, maketh *John of Gaunt Earl Palatine of Lancaster*, to have his Chancellour, Seal, Justices, and other Officers of State; He erecteth by that Charter the *County Palatine of Lancaster*, and granteth it to the said *John of Gaunt* in Fee simple. This Charter or Transaction, containing in it several Charters and Patent Letters, is enrolled both in the Kings Chancery and his Exchequer (s).

In ancient times, the Archbishop of *York* had a Regality, with great Powers, belonging to his Manour and County of *Hexham* or *Hextillesham*. In the one and twentieth year of K *Edward* I, his Liberties and Powers in *Hextillesham* were affirmed by the King's Council in Parliament. His Case was of this nature. In an *Iter* of *Hugh de Cressingham* and his Companions, a Writ of *Quo Waranto* was brought to warn the Archbishop of *York*, to shew by what Warrant he claimeth to have all *Capitulas* of the Crown delivered to his Bailif, to be pleaded by his Justices whom he will assign for that purpose, concerning all things emerging in his Manor of *Hextillesham*; and that all Pleas, as well of the Crown as other pleas, be pleaded by his Writs and his Justices in his said Manor; and to take and have the issues and profits arising thereby; and to do and execute by his Ministers all things pertaining to the Office of Sherif and Coroner; and that no Bailif of the King do enter into the said Manor, to exercise any office; and to have the Custody of Prisoners, and to make delivery of them at his Will; and to have a Market, gallows, chatells of fugitives and felons condemned in the said Manor, without the Leave and

(r) Et idem Archiepiscopus dicit, quod prædictus Episcopus Dunelmensis duplicem statum habet, unum videlicet temporalem quoad Baroniam, quam tenet de Rege, & alium spirituale, de quo ei tenetur in obedientia.

Et dicit, quod ratione temporalitatis non debet ei minus obedire in spiritualibus. *Rily Plac. Parl.* p 139.

(s) *Mich. Communia*, 1 *Rich.* 2. *Rot.* 2. ex parte *Remem. Thes.*

and consent of the King and his Progenitours; which things do pertain to the Kings Crown and Dignity.

The Archbishop cometh by his Attorney: And saith, that he claimeth all the said Liberties from ancient time: And that he and all his Predecessors, from immemorial time, without any interruption, have used the said Liberties: And this he is ready to verify.

William Inge who followeth for the King prayeth (t).

Hexham

(t) Placita de Quo Waranto coram H de Cressingham & sociis suis, Justiciariis Itinerantibus apud Novum Castrum super Tynam in Comitatu Northumbriæ, in crastino Sancti Hillarii, anno regni Regis E filii Regis Henrici vicesimo primo.

Norhumbria. Archiepiscopus Ebor[acensis] summonitus fuit, quod esset hic ad hunc diem, ostensurus Quo Waranto clamat, quocienscunque Justiciarii hic itinerant, Ballivo ejusdem Archiepiscopi de Hextildesham Capitula Coronæ, quæ infra Comitatum hic placitari contigerit, liberent, ad placitandum per Justiciarios suos, quos ad hoc assignare voluerit, de omnibus Capitula illa tangentibus, quæ in Manerio suo de Hextildesham emergunt; Et omnia placita, tam Coronæ quam alia, per breviam suam & Justiciarios suos in Manerio prædicto placitare; Et exitus & proficua inde provenientia capere & habere; Et omnia, quæ ad officium Vicecomitis & Coronatoris pertinent, per ministros suos facere & exercere; Et quod nullus Bailivus Regis intret manerium suum prædictum, ad aliquod officium exercendum; Et custodiam prisonum habere, & deliberationem eorundem pro voluntate sua facere; Et mercatum, furcas, & catala fug[itivorum] & felonum dampnatorum in eodem Manerio habere, quæ ad Coronam & dignitatem Domini Regis pertinent, sine licentia & voluntate ipsius Domini Regis & progenitorum suorum &c.

Et Archiepiscopus per attornatum suum venit. Et dicit, quod ipse clamat omnes prædictas Libertates ab antiquo. Et dicit, quod ipse & omnes Prædecessores sui, a tempore quo non extat memoria, absque aliqua temporis interruptione, usi sunt prædictis Libertatibus. Et hoc paratus est verificare, sicut Curia consideraverit &c.

Et Willelmus Inge, qui sequitur pro Domino Rege, petit quod inquiretur pro ipso Domino Rege, qualiter prædictus Archiepiscopus & prædecessores sui usi fuerunt &c. & si aliquid occuparunt super ipsum Dominum Regem &c. Et qualitercunque comperit fuerit per inquisitionem &c. dicit quod prædictæ Libertates mere sunt regales, & Coronæ Domini Regis independentes; cum nulli liceat in regno habere Cancellar[iam] & Justiciarios proprios, sine licentia & voluntate ipsius Domini Regis. Et prædictus Archiepiscopus nullum factum speciale ostendit, factum sibi vel alicui prædecessorum suorum per nullum Regem Angliæ. Petit judicium pro ipso Domino Rege &c.

Juratores dicunt super sacramentum suum, quod prædictus Archiepiscopus & omnes Prædecessores sui, a tempore quo non extat memoria, usi fuerunt hujusmodi Libertatibus, in eadem forma, qua prædictus Archiepiscopus eas modo clamat &c. Dies datus est eis de audiendo judicio suo, a die Sancti Johannis Baptistæ in xv dies, coram Domino Rege ubicunque &c. Ad quem

R r

diem

Hexham hath been formerly styled a *County Palatine* (u). But in the 33d year of K *Henry VIII*, it was stript of that Power (w).

In foreign Countries where this *Palatine* Title was in use, the person who had it was commonly called *Comes Palatii*, *Comes Palatinus*, a *Count Palatine*.

In fine, if the Reader hath leifure and Will to consult the *Glossarists*, concerning the *Comites Palatini*, and the numerous Train of other *Comites*, he may meet with plenty of amusement there.

Several of the Lords-Marchers of *Wales* had and enjoyed great Franchises in their Seigneuries, and even a *Regalitem*, a sort of a Royal Power, which made their Seigneuries look like *Palatinates*. For example, They had the first Cognisance of all Causes and Complaints within their Lordships, they had their Chancery, their Justiciars, and other great Officers, with an extensive jurisdiction belonging to the Chief Court of their *Honor*. For Example. *Humfrey de Bohun* Earl of *Hereford* and *Essex* had great Liberties within his *Honour* of *Brecknock*; he had a Court of his *Honour*, to determine causes between Lord and Tenants; he had the first or original Cognisance of all Causes there; he had a Chancery, a Seal for original writs, and in effect a sort of Regality (x).

Walter

diem venit hic prædictus Archiepiscopus per attornatum suum. Et datus est ei dies in octabis S Martini ubicunque &c. Idem dies datus est Ricardus de Brutteville, qui sequitur pro Rege in Banco &c. Ad quem diem venit prædictus Archiepiscopus; & similiter Ricardus de Breteville, qui sequitur pro Rege. Et prædictus Archiepiscopus petit Judicium sibi reddi, secundum tenorem prædicti veredicti, & secundum Statutum Domini Regis. Et inspecto Recordo prædicto in Parlamento Domini Regis, in termino S Michaelis anno xxi finiente, Concordatum fuit, quod prædictus Archiepiscopus prædictis Libertatibus gauderet. Et ideo prædictus Archiepiscopus ad præsens inde sine die; salvo jure Domini Regis, &c. *Trin. Plac. coram Rege 21 Edw. 1. Rot. 31. b.*

(u) *Stat. 33 H. 8 cap. 10.*

Stat. 27 H 8 cap. 24.

(w) *Statut. Hen. 8 cap.*

(x) Glouc. Præceptum fuit Vicecomiti, quod cum pluries mandaverat Rex dilecto & fideli suo Hunfrido de Boun Comiti Herefordiæ & Essexiæ, quod a quibusdam voluntariis districti-
onibus, exactionibus indebitis, variis inquietationibus dilecto & fideli Regis Rogero de Mortuo Mari & Lucie uxori ejus, & hominibus suis de partibus Breconie inferendis desisteret, & ballivos suos desistere faceret; ac idem Comes nichilominus mandata Regis prædicta parvipendendo prædictos Rogerum & Luciam & homines suos gravius quam prius molestare & inquietare non desistat—, sicut ex gravi querela prædictorum Rogeri & Lucie accepit Rex scire, faceret prædicto Comiti, quod esset coram Rege a die S Martini in

Walter le Mareschal Earl of *Pembroke*, had and claimed to have his Chancery, a Seal of his said Chancery, and Writs to be made-forth under that Seal, whereby his Tenants were to plead before his Seneschall or Steward and other Officers (y).

In the one and twentieth year of K *Edward I*, *Gilbert de Clare* Earl of *Gloucester* and *Hereford* impleaded the Priour of *Goldclive* in his Court of *Karleon* in *Wales*, upon a Writ of *Quare Impedit* issued out of the Earls Chancery. Whereas the Prior and his predeceffours, as the Prior supposed, ought not to plead or be impleaded by the Writs of any other person but of the King that now is, or of his Predeceffours Kings of *England* (z).

The

xv dies ubicumque &c. prædictis Rogero & Lucie inde responsurus, & ulterius factururus & recepturus, quod de consilio Regis inde duxerit ordinandum Rex. Et Vicecomes mandavit, quod scire fecit prædicto Comiti, ad essendum coram Rege ad diem in brevi contentum.

Et modo venit prædictus Comes. Et prædicti Rogerus & Lucia. Et prædictus Comes defendit vim & injuriam quando &c. Et dicit, quod consuetudo totius Walliæ est, quod in casibus ubi contentiones subortæ sunt inter tenentes & Dominos suos, qui habent Curias suas & Libertates, & qui habent regalitatem, quod ipsi Domini habere debent primas cognitiones querelarum & quod in Curia Regis placitare non debent de hujusmodi injuriis sibi impositis, antequam Curia eorum tenentibus de jure defecerit. Et dicit quod hujusmodi consuetudo ab antiquo in partibus Walliæ optenta est. Et petit Curiam suam. Dicit etiam, quod paratus est stare recto in Curia sua de Breknou, per considerationem ejusdem Curie suæ, & concedere breve de Cancellaria sua, in casu ubi breve jacet, & ad illud breve respondere; Et ubi breve non jacet paratus est respondere ad querelas. Et prædicti Rogerus & Lucia non possunt hoc dediscere [ita in Rotulo]. Ideo concessa est prædicto Co-

miti Curia sua prædicta; Ita quod teneat rectum prædictis Rogero & Lucie, & celerem faciat justiciam. Et prædictus Comes præfixit diem prædictis Rogero & Lucie apud Breknou die Lunæ proxima post tres septimanas S Trinitatis proximo venturæ. Et dictum est prædictis Rogero & Lucie, quod nisi celeris justicia fiat eis in eadem Curia de Breknou, quod tunc redeant Salvo jure Domini Regis & hæredum suorum &c. Postea a die S Michaelis in xv dies anno xixº, venerunt prædictus Rogerus de Mortuo Mari in propria persona sua, & Lucia uxor ejus per Simonem de Eton attornatum suum. Et prædictus Comes similiter. Et prædicti Rogerus & Lucia dicunt, quod prædictus Comes defecit eis de recto in prædicta Curia sua. Et petunt, quod Justicia fiat eis hic. Et datus est dies eis, a die S Martini in xv dies ubicumque &c. ad faciendum & recipiendum &c. *There is no more here. Pas. Plac. coram Rege 19. Edw. I. Rot. 26. a.*

(y) *Ryley Plac. Parl. p 34. sub anno 18 Edw. I. The like Regality was claimed in the Barony of Haverford; ibid. p 34, 35.*

(z) *Glouc. A long pleading between Gilbert de Clare Comes Gloucestræ & Herefordiæ and the Prior of Goldclive, for drawing the Prior in plea in the Earls Court of Karleon, per*

The hereditary Offices of the Kings Palace are to be numbred with the other Splendours of the Feudal Institution.

The

breve suum de Quare Impedit, super advocatione ecclesiæ de Woundi, & eum a possessione præsentationis suæ inde ejecit, & insuper pro voluntate sua prædictum Priorem super quibusdam libertatibus suis, & rebus aliis, trahit in placitum ibidem, in regiæ dignitatis præjudicium —. *Divers Altercations. The Earl alleges that the Prior non est perpetuus Prior de Goldclive, imo amotibilis pro voluntate Abbatis de Becco Herlewini. The Prior replies, amongst other things, that the Earl in a Cause which the Prior now recites, had admitted him to be Perpetual Priour, and had pleaded with him as such. Dictum est per Judicium by the Court, to the Earls Attorney, that he should answer over, si sibi viderit expedire. Postea ad prædictum terminum venit prædictus Comes per attornatum suum, & dicit quod non debet ei ad hoc breve respondere, quia dicit, quod forma istius brevis est defectiva in plur[ibus], videlicet in primo, cum in dicto brevi contineatur, si Prior &c. tunc pone &c. Nec in dicto brevi continetur, quod dictus Comes aliquid fecit contra pacem; petit judicium si ad hoc breve de attachamento debeat respondere. Et si hoc non sufficiat, dicet aliud, &c.*

Dicit etiam, quod in dicto brevi continetur, quod idem Comes implacitavit ipsum Priorem in Curia sua de Carlion, per breve suum de Quare Impedit, de advocatione ecclesiæ de Woundi, & eum a possessione præsentationis ejusdem ecclesiæ ejecit; quod non est verisimile nec juri consonum, quod aliqua ejectio fieri possit nisi de rebus corporalibus, quæ tangi possunt. Et petit judicium, ut supra. Et si hoc non sufficiat, dicet aliud, &c.

Dicit etiam, quod cum in dicto bre-

vi contineatur, quod idem comes pro voluntate sua, ipsum Priorem in Curia sua de Carlion trahit in placitum, super quibusdam Libertatibus & rebus aliis, quæ sunt incerta. Et cum sit moris & consuetudinis regni Angliæ, quod in brevi Originali cancellariæ Domini Regis, contineri debeat certum, super quo tenens vel defendens debeat respondere, petit judicium, ut supra. Quia super incerto certum fieri non potest Judicium. Et si hoc, &c. dicet aliud, &c.

Dicit etiam, quod de prædictis Libertatibus seu rebus superius in dicto brevi non fit mentio, quod ipse Prior seu Prædecessores sui, implacitare seu implacitari non consueverunt, per alterius brevia quam per brevia Regis nunc, & prædecessorum suorum Regum Angliæ. Unde petit judicium ut supra. Et si hoc, &c. dicet aliud, &c.

Dicit etiam, quod cum prædictus Prior clamat habere quasdam Libertates, super quibus prædictus Comes trahit ipsum in placitum, nec dicit cujusmodi Libertates, nec in quibus villis, nec in quibus tenementis eas habere clamat, nec ligat suum breve utrum prædictæ Libertates sint in prædictis villis vel extra; petit judicium ut supra. Et si hoc, &c. dicet aliud, &c.

Et quæsitum est a prædicto Priore quid intendit recuperare per breve suum. Dicit, quod hoc quod Curia Regis consideraverit. Et aliud dicere non curat. Et super hoc datus est dies partibus, in crastino Purificationis Beatæ Mariæ ubicunque, &c; eo quod judicium nondum factum est. *There is no Judgment. Trin. Plac. coram Rege 21 Edw. 1. Rot. 22.*

Gloucestria. Prior de Goldeclyve, qui sequitur pro Rege & pro se ipso, optulit

The Office it self was a Barony or Honour; and may be styled an *officiary Honour*. When a Lord had a Land-Honour and one of these hereditary Offices, then he had two distinct Honours vested in him. Thus the Earl of *Leicester* was seised of the Honour of *Leicester* a Land-Honour, and also of the *Honor Senescalcie* the *Stewardship* of *England*, an *officiary Honour*.

Offices in Heritage.

LET me, if you please, propose a Conjecture. When the ancient Kings of *England* began to grant the great feudal Estates, to wit Baronies and military Fees, to be holden in Heritage; then or near about that time, they began to grant the great Offices of their Palace also, to their Lords and Knights, and other smaller Offices to their Sergeants, to be holden in Heritage (a).

In

optulit se iiii^o die versus Gilbertum de Clare Comitem Gloucestriæ & Herefordiæ, de placito, quod esset hic ad hunc diem, ad respondendum Regi & prædicto priori de Goldeclyve, de placito quare cum idem Prior implacitare non debeat, nec ipse aut prædecessores sui, per alterius brevia quam per brevia Regis de Cancellaria sua emanantia (*for* emanantia), inplacitare consueverunt aliquibus temporibus retroactis, ac iidem Gilbertus & ballivi sui de Kaerleon distrinxerunt ipsum Priorem, ad respondendum in Curia ipsius Comitis de Karleon; propter quod super libertate prædicta, placitum super ipsos Priorem & Comitem in [Curia] Regis pendeat, & jam diu est, fuit pendens, & inhibutum esset eidem Comiti, quod pendente placito prædicto super libertate prædicta in Curia Regis, de distractionibus & gravaminibus aliquibus prædicto Priori superfederet, quousque prædictum placitum inter ipsos terminaretur. Prædictus Comes, pendente placito prædicto, ab huiusmodi gravaminibus & distractionibus

bus non cessavit, nec duo brevia Regis sibi directa, de huiusmodi gravaminibus prædicto Priori non inferendis, ad certos dies coram Rege returnabilia, returnavit, ut dicitur. In Regis contemptum, & prædicti Prioris præjudicium non modicum & gravamen. Et ipse non venit. Et præceptum est Vicecomiti, quod attachiaret eum. Et Vicecomes mandavit, quod præceperat ballivo Comitis Gloucestriæ de Teukesbyr, qui respondet, quod diu antequam breve sibi venit, Gilbertus de Clare Comes Gloucestriæ transfretavit in Hiberniam, & ibi hucusque [*ita in Rotulo*] commoratur. Et præterea respondet, quod prædictus Comes habet protectionem Domini Regis de omnibus huiusmodi placitis; & ideo inde nullam fecit executionem, &c. Et sciendum, quod ista loquela remanet sine die, usque ad reditum Comitis de Iberniam. Nunciante G de Thornton &c. *Hil. Plac. coram Rege 22 Edw. 1. Rot. 20. b.*

(a) S Comes Britanniae, Omnibus Baronibus suis & Hominibus suis de

S f

Anglia;

In the fifteenth year of K *John*, the Bishop of *Winchester* is styled

Anglia; Francigenis & Anglicis, salutem. Sciatis me dedisse & concessisse Roaudo fi. Harfodi, Conestabulario meo, & hæredibus suis, Bernincheham scilicet vi carrucatas terræ, in feudo & hæreditate, quemadmodum Herveus fi. Morini eam melius tenuit; & præcipio, quod bene & in pace & honorifice teneat. T Comitissa, Rogero Dapifero, Radulfo fi. Ribani, Akaria, Scollando, Rogero de Lacel, Roberto Camerario, Alano Pincerna, Hugone fi. Iorn, Garnerio fi. Guihomari Dapiferi, Roscelino fi. Ricardi. *The Charter is confirmed with a Seal of Yellow wax (now broken), hanging upon a Strip of parchment cut from the bottom of the Charter; On the one side, the Earl mounted; in his right hand a Banner, his Shield hanging backward upon his Left arm; On the reverse, The Earl mounted, his body covered before with a Huge Shield, in his Right hand a Banner. The Original is in the Treasury of the Collegiate Church of Westminster.*

Idem [Vicecomes] r c de xxxviii marcis de Scutagio xix Mil[itum] Comit[is] de Pertico in hoc Comit[atu], qui pertinent ad Constabulariam Angl[iæ], sicut Vicecomes dicit. *Mag. Rot. 5. Job. Rot. 2. b. Kent.*

H Rex Anglorum Archiepiscopis, Episcopis, Abbatibus, Comitibus, Justiciariis, Baronibus, Vicecomitibus, & omnibus fidelibus suis per Angliam constitutis salutem. Sciatis universi quoniam dedi & concessi Alberico de Ver & hæredibus suis post eum, de me & de hæredibus meis tenendam, Magistram Camerariam meam totius Angliæ in feodo & hæreditate. Quare volo & firmiter præcipio, quod ipse & hæredes sui eam jure hæreditario teneant cum omnibus dignitatibus & libertatibus & honorificentis ad eam pertinentibus,

ita bene & libere & honorifice, sicut Robertus Malet, vel aliquis alius ante eum, vel post eum, unquam melius & liberius & honorificentius tenuit, cum liberationibus & hospiciis Curia meæ, quæ ad Ministerium Camerariæ pertinent. Testibus Rogero Episcopo Sar[esburie] & Gaufrido Cancellario Episcopo Dunelm[ensi] & Nigello Episcopo Eliensi, & Rob[erto] de Sig[illo] & Rob[erto] Comite Gloec[estrie] & B filio Com[itis] & Roberto de Ver Constabulario, & Unfrido de Bohun, & Hugone Bigot, & W de Albin Brit[] & Ricardo Basset, & Willelmo de Pont[] apud Fernham in Transfretatione Regis. *Ex Dugd. Collect. MSS. L. fol. 82. b. in Museo Ashmol. Oxon.*

Oxonia. Mandatum est Vicecomiti, quod non exigat vel exigi permittat a Matthæo de Eston, qui tenet de Margareta de Ripariis de feudo Camerariæ Regis, quam eadem Margareta tenet de Rege per liberum servitium prædictæ Camerariæ, exactiones vel consuetudines, quas facere non debet nec facere consuevit. *Pas. Communia 11 Hen. 3. Rot. 3. b.*

A Writ issued to the Barons of the Exchequer, commanding them to certify, quæ & hujusmodi feoda Simon de Monteforti nuper Comes Leycestrie] cæterique Comites loci prædicti Senescalli Progenitorum Regis quondam Regum Angliæ de eisdem Progenitoribus Regis ratione Senescalciæ prædictæ percipere & habere consueverunt, & de temporibus quorum Progenitorum Regis, & qui fuerunt illi Comites & qualiter & quomodo —. Teste septimo die Junii anno duodecimo. Trin. Brevia 12 Edw. 2. Rot. 116. b.

Et in quietantia, quam Comes Leirestrie] habet, de auxiliis Vicecomitis, &

styled *Dominus Wintoniensis*, the Lord of Winchester (b). In the thirteenth year of K Henry III, the Archbishop of Canterbury is named, the Lord of Canterbury (c).

In the year one thousand three hundred fourscore and seven *Monsieur Gualhard de Dureffourt* Seigneur de Duras styleth John Duke of Lancaster his right-noble Lord of Lancaſtre (d).

Henry natural Son of Reginald Earl of Cornwall, natural Son of K Henry I, is styled *filius Comitis*, Fitz Count (e); and John natural Son of the ſaid Reginald is likewise ſo ſtyled (f).

Fitz-Count. Sir William Dugdale ſets-down the *Fitz-Counts* as a diſtinct Family. It is in his *Baronage of England*. I ſuſpect there may be a latent miſtake in this matter. The perſons ſuppoſed to be of this Family were reſpectively called ſuch a one *Filius Comitis*, *Fitz-Count*, or *Son of the Earl*. Perhaps *Filius Comitis* might be only the Earl of *Britannies* Son. It is to be known that anciently the Earl of *Britanny* had a very great Honour or Earls Fee in *England*; and was a Principal if not the chief Earl of *England*; and he was, I think, the greateſt Homager (except the King of *Scotland*) that the King of *England* had. For that reaſon

& ſectis Hundredorum, xii libræ hoc anno; Per breve Regis. *Mag. Rot.* 4 *Job. Rot.* 11. a. tit. Norhantescira.

De quibus proceſſit Robertus ou les Blanc Meines filius eorum, Comes Leyceſtrenſis tertius poſt conqueſtum, qui deſponſavit Petronillam filiam Hugonis Grantmenyl, cum qua accepit totum honorem de Hyncleye, una cum Senefcallatu Angliæ ex dono ejuſdem Hugonis.

Simon de Monteforti per Amiciam ſeniorẽ filiam, cum medietate Comitatus Leyceſtriæ & Honoris de Hyncleye, factus eſt Comes Leyceſtrenſis, & pro honore de Hyncleye jure hæreditario ſenefcallus Angliæ.

Et ſic Rex Henricus dedit Comitatum Leyceſtriæ, cum honore de Hyncleye, & ſenefcalatu Angliæ, Edmundo filio ſuo. *Knyghton inter x Scriptores Angliæ*, col. 2346.

(b) *Hiſt. Excheq.* p. 46. col. 1. w.

(c) *Ibid* p 422. col. 1. z.

(d) Sachent touz, que Monſ. Gualhard de Dureffourt, Seigneur de Duras & de Blanquaffourt, ad receu del Honore & Sage Sire Monſ. Johan Guedeneye Coneſtable de Burdeaux, en partie de paiement des deſpens per lui faitz, en alant vers mon trefnoble Seigneur de Lancaſtre, quant vint Deſpaigne, quatorſe guianois dour, & dys ſoudz de la mon[oye] currant a Burdeux; de laquiele ſomme ledit Seigneur de Duras ſe confeſſe pleinement eſtre paieez, & ledit coneſtable ent quites, per ceſtes preſentes, Seeles de ſon ſeel, le xii jour du mois de Novembre, lan de grace Mil ccc quatre xx & ſept. *Ex autographo in Theſauraria Rememoratoris Regis Scaccarii ſui, viz. in Camera Longa, Ciſta tertia ab introitu, & in ſilacio ſecundo, Numero 14.*

(e) *Stebbing's Geneal. Hiſt.* p 51.

(f) *Stebbing ibid.* p. 52.

reason he might not unfitly be styled *the Earl*. The Christen-names of some of the *Fitz Counts* support the conjecture which I have made just above. For example. In the reign of K *Henry the First of England*, *Brientius filius Comitis*, *Brient son of the Earl*, is found named in records. At that time the Earl of *Britanny* had a son named *Briend* (as *Augustin Du Paz* relates in the History of the Earls and Dukes of *Bretagne*). But I cannot find that there was any other Baron or Great Lord about that time whose Christen-name was *Brient*. In this case what I have said about *Fitz-Count* is conjectural.

In ancient times the Earl of *Britanny* and *Richmond* was the Greatest Subject in the Kingdom of *England*, next to the Royal Family (g).

In an Instrument of Donation dated at *Naples*, in the reigns of *Basil* and *Constantine* Emperours of C P, *Sergius* the Donour styleth himself *eminentissimus Consul & Dux* (h).

Banerets.

I cannot with certainty fix the time when this Degree of *Banerets* began. However I will essay upon it.

There were *Banerets* in *England* in the reign of K *Edward I* (i).

I have not yet discovered, what they were, or of what Dignity

(g) Baronibus, pro Johanne de Britann[ia] Comite Richemund[ia].

—Johannes quondam Dux Britann[ia] defunctus tenuit in Anglia —. *Pas. Brevia directa Baronibus* 1 *Edw.* 2. *Rot.* 53.

(h) In nomine Domini Dei Salvatoris nostri Jesu Christi, Imperante Domino nostro Basilio Magno imperatore, anno 50, sed & Constantino Magno Imperatore anno 47, die 2 mensis septembris, Indict. 8. Neapoli. Nos Sergius in Dei nomine eminentissimus Consul & Dux, concessimus & tradidimus tibi, Maria venerabilis Abbatissa —, integrum monasterium & coenobium vocabulo beatissimi Gregorii —. *Ciocarelli Hist. Antistitum Neap.* p 47.

Cluniacensis Abbas — erat Consul

Mergulien[sis] filius & Paschalis Papæ filiulus. *Order. Vit. editore Chesnio Viro cl.* p 861, c, ad ann. 1119.

(i) *Hist. Excheq.* p 614. col. 1. (i) De adventu Comitum.

De vadiis hominum ad arma hobelariorum, sagittariorum & aliorum in obsequio Regis per diversas vices existentium, per Jacobum Daudele Banerettum. *This is the Title on the dorse of the Roll.*

Idem computat in vadiis ipsius Jacobi & aliorum subscriptorum nomine expen[sarum] viz. Ipsius Jacobi Baneretti percipientis per diem iiii s trium Militum, quolibet Milite percipiente per diem ii s, xxxvi hominum ad arma quolibet percipiente per diem xii d — *Mag. Rot.* 16. *Edw.* 3. *Rot. Compotorum viz. Rot.* 1.

nity or Rank. They seem to have been next in degree to Barons (k).

In

(k) Norf[olcia]. Suff[olcia]. — Edwardus Dei gratia Rex Angliæ & Franciæ & Dominus Hiberniæ, Thefaurario & Baronibus suis de Scaccario, salutem. Cum sexto die Aprilis, anno regni nostri xxviii^o per Literas nostras patentes, de gratia nostra speciali & pro bono servitio, quod dilectus & fidelis noster Johannes de Cobham nobis impendit & extunc impenderet, & ut statum Baneretti, quem a nobis suscepit, decentius manutenere possit, concesserimus ei centum marcas percipiend[as] singulis annis de exitibus Comitatus Norf[olciæ] per manus Vicecomitis ejusdem Comitatus, qui pro tempore fuerit, ad terminos Sancti Michaelis & Paschæ, per æquales portiones ad totam vitam ipsius Johannis, vel quousque de terris & tenementis ad valenciam Centum marcarum per annum duxerimus providend[is], prout in Literis nostris prædictis plenius continetur, & per diversa brevina nostra mandaverimus nuper Vicecomiti nostro Comitatus prædicti, quod eidem Johanni quinquaginta marcas de dicta annua summa centum marcarum, de termino Sancti Michaelis, anno regni nostri Angliæ Vicefimo octavo, necnon dictas Centum marcas pro terminis Paschæ & Sancti Michaelis proximo præteritis, de exitibus Comitatus prædicti solveret, juxta tenorem Literarum nostrarum prædictarum, Vobis mandamus, quod Visis mandatis nostris prædictis, id quod vobis constare poterit, Thomam de Morieux nuper Vicecomitem Comitatus prædicti præfato Johanni pro terminis prædictis virtute mandatorum nostrorum prædictorum rationabiliter solvisse eidem Vicecomiti in compoto suo ad Scaccarium prædictum allocetis; Recipientes ab eodem Johanne Literas ip-

fius Johannis acquietanciæ, quæ sufficientes fuerint in hac parte. Teste me ipso apud Hertford[iam] xxvi^o die Februarii, anno regni nostri Angliæ tricesimo, regni vero nostri Franciæ decimo septimo.

Norf. Suff. Irrotulamentum concessionis factæ Johanni de Cobham Baneretto de c marcis per annum, de exitibus Comitatus Norfolciæ, per manum Vicecomitis ejusdem Comitatus solvendis. *Mich. Communia 42 Edw. 3. Rot. 27.*

Norf. Suff. A Grant to John de Cobham Baneret of c marks yearly. Done a nostre Manoir de Drayton. Mich. Communia 42 Edw. 3. Rot. 27.

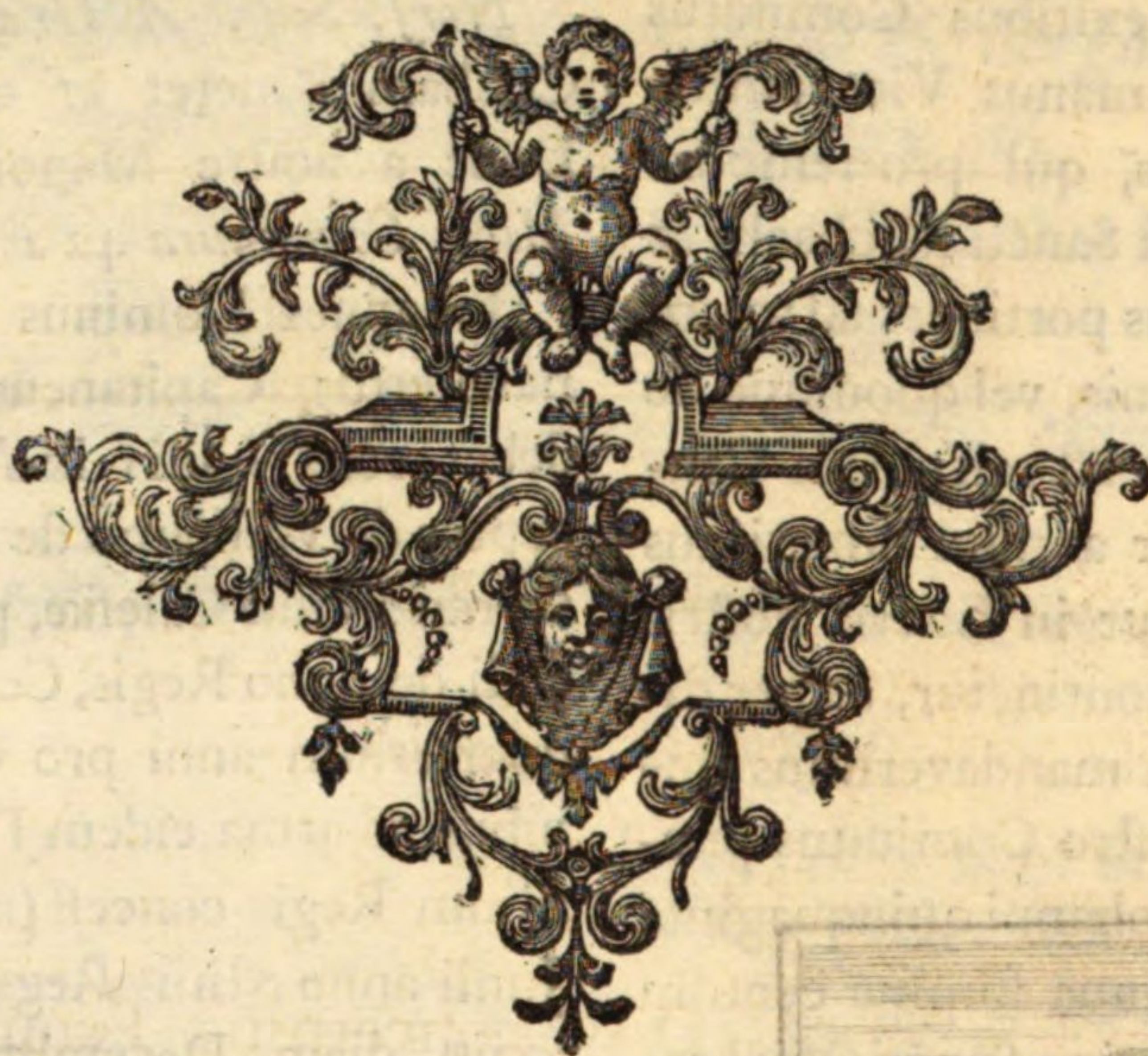
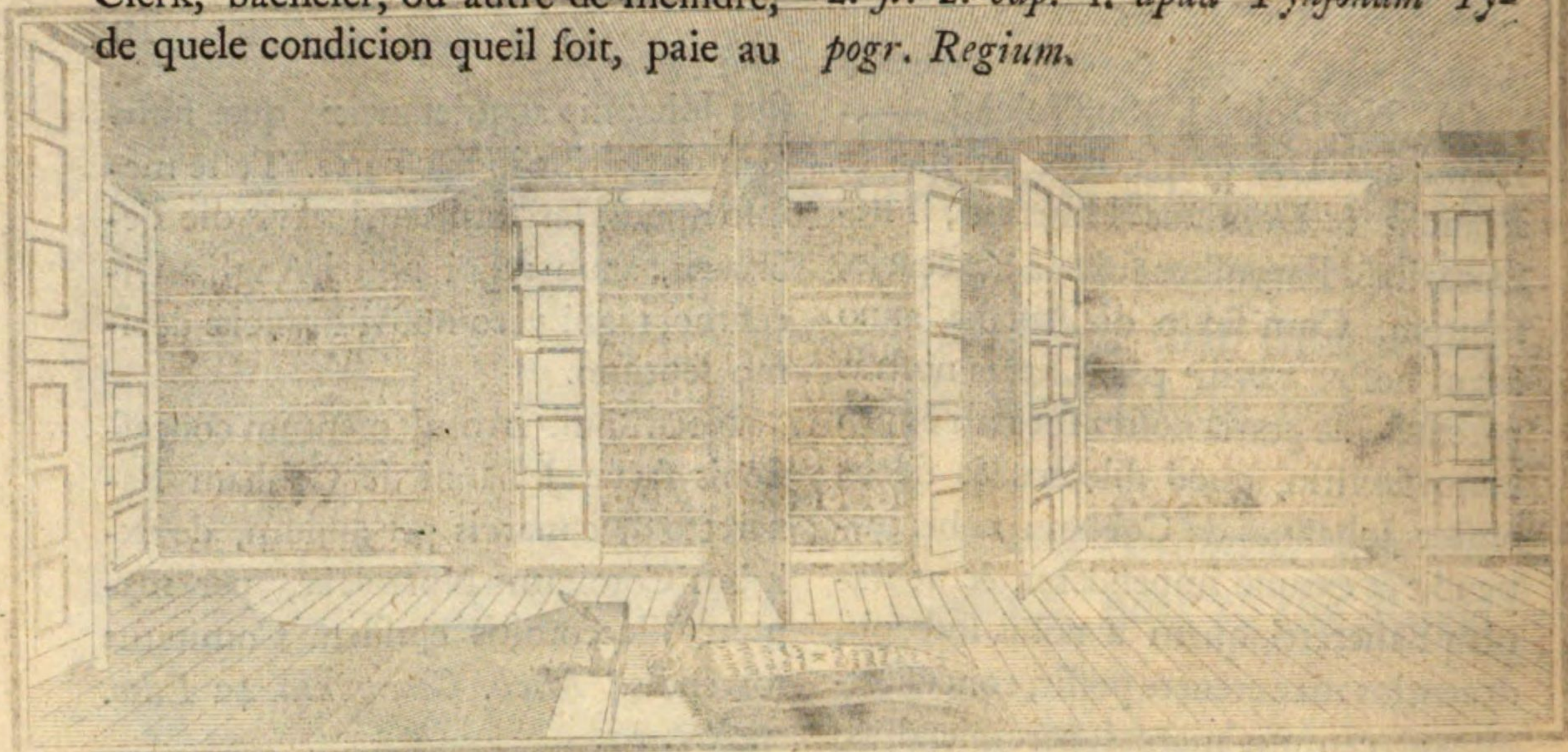
Johannes Dominus de Gommenyz Banerettus, Capitaneus villæ de Arde, debet ccxxi / iiiis ix d per ipsum receptos de Willelmo de Gunthorp Thefaurario villæ Calesiæ, pro rewaro speciali de dono Regis, Centum libras per quarterium anni pro Centum Homi-nibus ad arma eidem Domino per consilium Regis concess[as], a primo die Junii anno xliiii^o Regis E tercii usque xxii^m diem Decembris proximo sequentis, scilicet per ccv dies, utroque die computato, deduct[is] iiii / ix s iiii d ob. quæ pro rewaro unius Baneretti per cii dies, duorum Militum per cvii dies, & unius Militis per quaterviginti ix dies vacant[es], infra idem tempus ibidem. Et respondet in Rotulo exann[ali]. *Mag. Rot. 2. Ric. 2. Item Londonia, Middelfexia, m. 2. b.*

Et si celluy a qi prier ascun chartre de perdon pur murdre, mort de home tue per agait assaut ou malice purpenfe, treason, rape de feme, soit graunte, soit erchevesque ou Duk, paie au Roy M marcz. Et fil soit evesque ou Count paie au Roy M marcz. Et fil soit Ab-

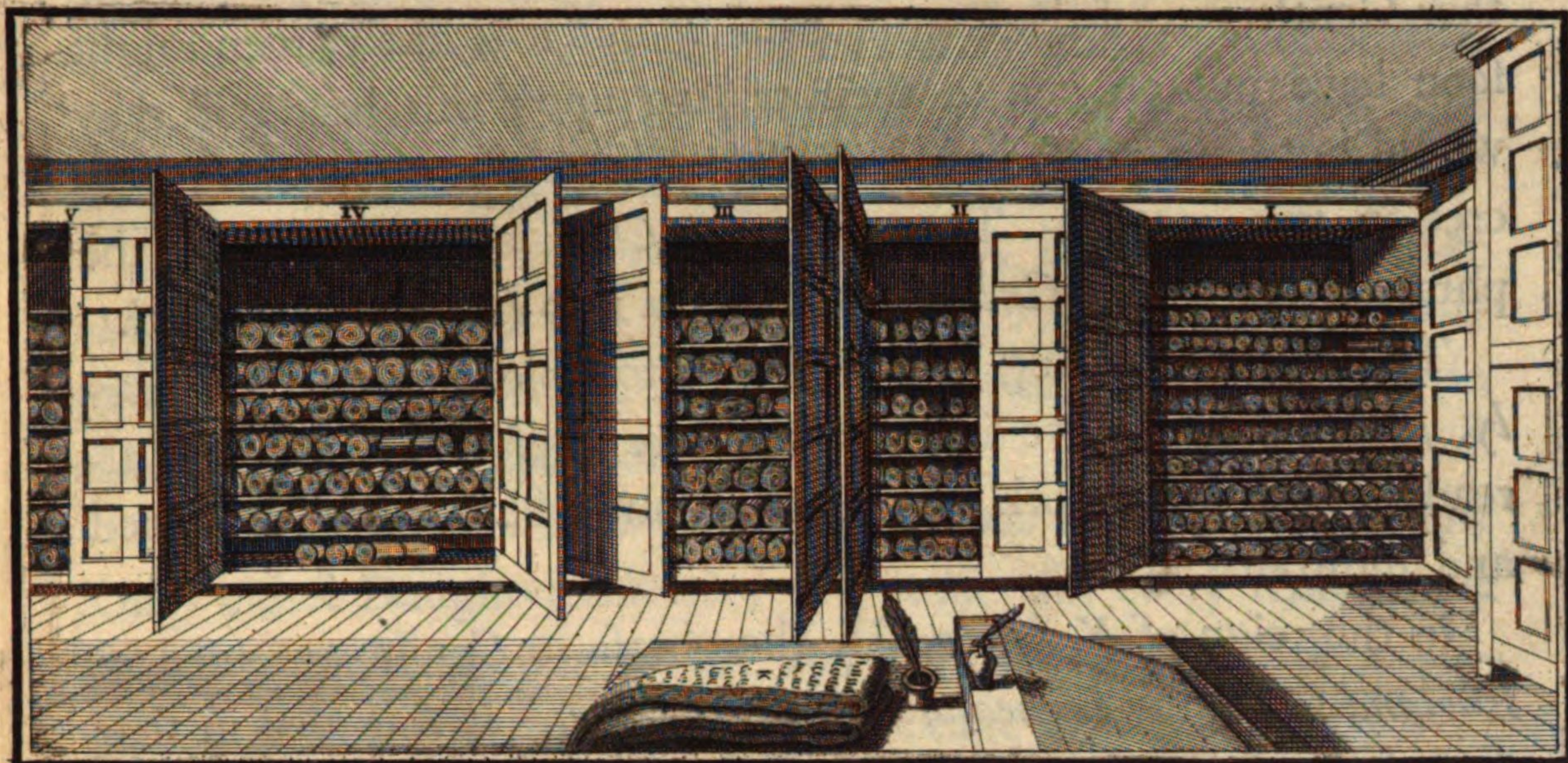
T e

be,

be, Priour, Baron, ou Baronet, paie Roy deux centz marcz, & eit lem-
 au Roy cink cent marcz. Et fil soit prisonement dun an. *Statut. 13 Ric.*
 Clerk, bachelier, ou autre de meindre, 2. *ft. 2. cap. 1. apud Pynsonum Ty-*
 de quele condicion queil soit, paie au *pogr. Regium.*



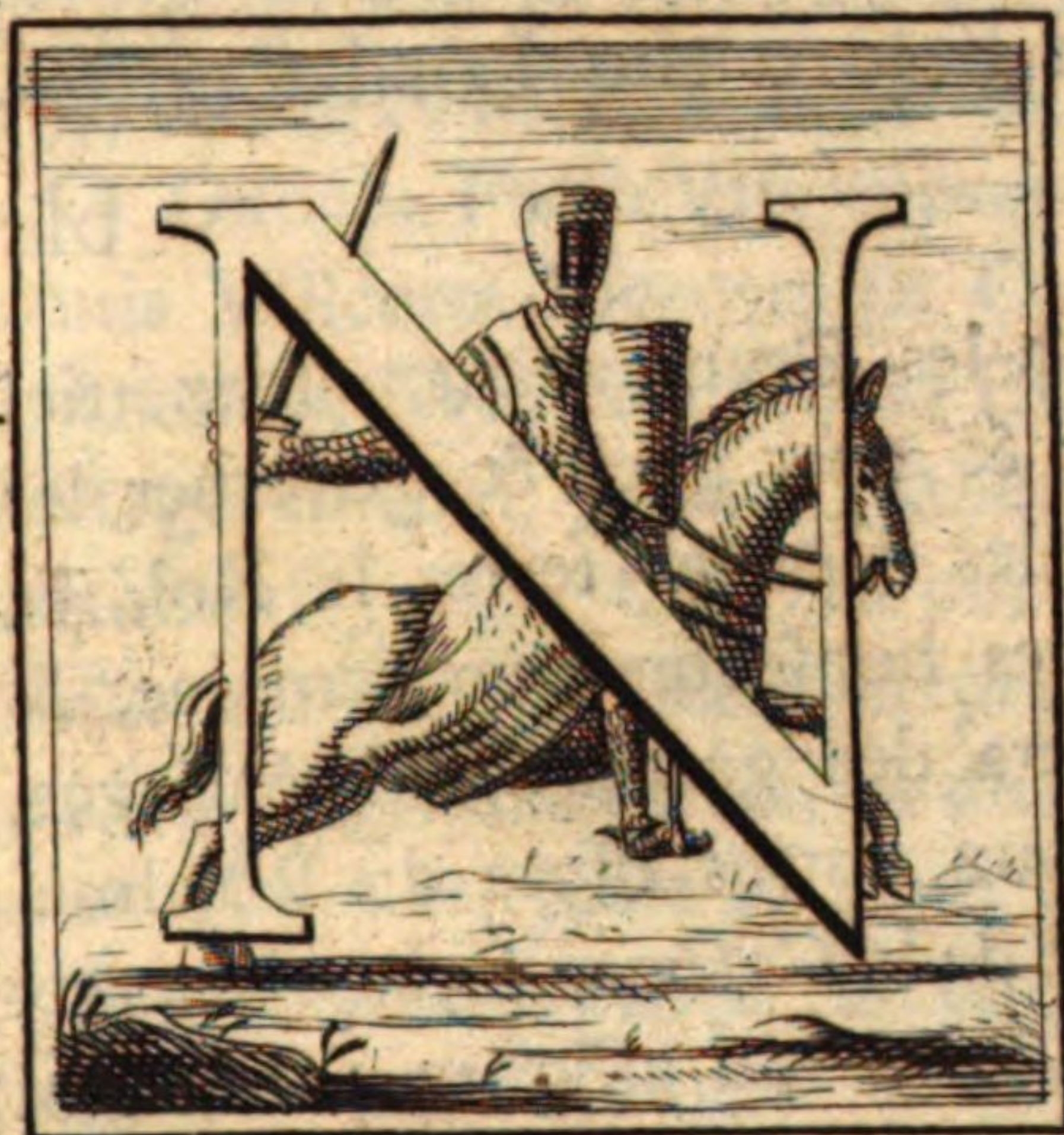
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WESTMONASTERII.



B O O K III.

CHAPTER I.

About Tenure.



OW concerning Tenure of the King
in Capite.

Tenure is, where a Tenant hold-
eth of his Lord.

Here followeth a specimen tending
to illustrate the Tenure *in Capite.*

*Explanation of the phrase Tenure in Capite, and
of the Nature of that Tenure.*

FOR many years last past, men have spoken in *England* with
great Confusedness and uncertainty concerning this Tenure
in Capite. For want of a distinct knowledge, several persons have
advanced

advanced frivolous and fictitious notions about it. This hath been the case with the Lord Chief Justice *Coke* (l), and divers other Gentlemen of the Common-law. But it is likely, men might soon have put an end to their trifling upon this head, if they would but have paused and considered awhile. There is no secret in this matter. The phrase *en Chef* is *Gallick*. And the phrase *in Capite* is a *Gallicism* translated into *Latin* or *Romanick*.

To hold of the King *in Capite* was to hold of him *immediately, sine medio*. I have in some measure explained this point already in another Work (m). But it must be farther explained and illustrated.

In the reign of K *Henry III*, the phrase *in Capite* was used in *England* to signify *immediate, sanz moyenne*. It was used in that sense for several centuries.

In the reign of K *Edward II*, (if I do not mistake the time), it was ordained, that the Chamberlain be chosen by the Greatmen, that he be one having skill and ability to guide and govern the Kings, Burgs, Demean-lands, and poor Demean-Husbandmen, and that he do take care of the Wards, reliefs, marriages, and all other issues of the Realm, except such as are already given or assigned by the King *in Chief*, that is, directly by the King himself, or by his immediate act or command (n). The same authentick piece last above quoted, directeth, That such law and judgment be made in the Court holden before the Lord-Constable

(l) It is to be observed, that regularly a Tenure of the King as of the person is a Tenure *in Capite* —.

And this Tenure of the King *in Capite* is said to be a Tenure of the King as of his Crown, that is, as he is King. — And therefore it is directly said, that a Tenure of the King *in Capite* is, when the land is not holden of the King, as of any Honour, Castle or Manor, &c. but when the land is holden of the King as of his Crown. *Coke Comment. on Lit. fol. 108. a. ad sectionem 159.*

(m) *Hist. Excheq. p 398, 431, 432, & seqq.*

(n) De rechief qe Chamberlenk soit

eleu par les Grant avant nomez, tiel qi sciet & poet gyer & gouverner les Burgs, les demeins terres le Roi, & les poures husebonds en demeine, & se mellera des gardes relefs mariages, & de touz autres issues du Roialme, au profit de la Corone, fors qe de ceux qe sont donez ou assignez par le Roi en chief, & qil face les achatz en gros, & ordeine la demore le Roi par lassent de ly meismes, & lestat de son Hostel pour les seisons del an, si qil poet vivre de purviance sans ravyne du pays. *Ex Codice MS in folio, [I 2], in Biblioth. Collegii Corporis Christi Cantabr. fol. —. The folios are not numbered.*

ble, that there may be no occasion to appeal *en Chief* to the Parliament (o). And again, it directeth, that Justices itinerant do enquire in their Eire, of the behaviour and ministration of Sherifs, and of Serjeants in fee, and do challenge them at the Bar, and present the defaults to the King *in Chief* (p).

In the eighteenth year of K *Richard* II, it is found that *Ranulph de Dacre* held the Manour of *Nethertraling* in the Sherifrick of *Rokesburgh* in the Marches of *Scotland*, of the King in chief, by Homage and Fealty (q).

In the reign of K *Henry* IV, an aid was levied to marry the Kings eldest Daughter *Blanche*, to wit xxs for every Knights fee holden of the King *sine medio*, and xxs for all Lands of xxl a-year in rent, holden of the King in Socage *sine medio*. *John Wilcotes* and others Collectours for *Oxfordshire* passed their Account for this Aid in that County in the third year of K *Henry* IV (r).

In

(o) Et qe tiele leye & juggement soient faitz devant luy [*the Conestable*], qe nul appelle se face en chief au Parlement en defaute de sa Court. *Ibid.*

(p) Et deivent enquer en lour eir, du port & de la ministracion des Viscontes & de Serjantz de fee, & les chalanger a la Barre, & presenter lour defautes au Roi en chief —. *Ibid.*

(q) *Mich. Fines* 18 *Ric.* 2. *Rot.* 7. a.

(r) *Oxonia*. Facto Visu compoti Johannis Wilcotes Vicecomitis Comitatus *Oxonie*, Willelmi Hilton Escaetoris Regis ibidem, Johannis Abberbury & Roberti James, Collectorum rationabilis auxilii pro Blanchia primogenita filia Regis maritanda, in dicto Comitatu *Oxonie*, juxta formam Statuti in Parlamento Domini E tercii avi Regis hujus, anno Regni sui xxv^o tento editi, videlicet, de quolibet feodo Militis tento de Rege *sine medio* xxs, & non plus, & de viginti libratibus terrarum tentis de Rege in Socagio *sine medio* xxs, & non plus, virtute Literarum Regis Patencium prefatis Collectoribus inde direct[arum], & super hunc visum ostens[arum], videlicet de hu-

jusmodi Auxilio, debent xvl xvjs vid, sicut continetur in quadam Cedula de Visu predicto facta per Willelmum Hefill unum Auditorum hujus Scaccarii, quæ est inter billas de hoc termino, quos solverunt per unam talliam levatam xvii^o die Aprilis hoc termino, quam ostendunt. Et iidem Collectores habent diem ad finaliter computandum, usque Crastinum Sancti Johannis Baptistæ. Ad quem diem predicti Collectores venerunt per Ricardum Appulton attornatum suum; Et habent diem ulterius usque octabas Sancti Michaelis, ad finaliter computandum. Ad quem diem predicti Collectores venerunt per dictum attorn[at]um suum; Et habent diem ulterius usque xv^{am} Sancti Hillarii, ad finaliter computandum. Postea predicti nuper Collectores percomputarunt in premissis, sicut continetur in Memorandis de anno quinto Regis nunc, inter Status & Visus Compotorum de Termino Sancti Hillarii. Ideo &c. *Pas. Status & Visus Compotorum* 3 *Hen.* 4. *Rot.* 9.

In fine, as in the ancient, so also in the modern times, the words *in Capite* signified *in Chief* (s).

There was *Tenure in Capite* in Foreign Kingdoms.

In the Kingdom of *Sicily* (t).

In Foreign Countries where there was Tenancy *in Capite*, there the Seniurage which was vested in the Lord, might be compared to that which some Men have called *Directum dominium*, a direct or immediate Superiority or Lordship. There the Lord was *directus Dominus*, and the Tenant *directus* or *immediatus Vassallus*.

But in regard the words *Vassallus*, *Convassallus*, &c. have not been in Former ages currently used in *England*, I forbear as much as I can, to use them in this Work. Because I would not innovate; and do chuse not to multiply words of Art.

It is said in the *English* Law-books, that all the lands in *England* in the hands of subjects, are holden mediately or immediately of the King (u). This proposition, I believe, is true. But it meriteth to be explained and illustrated. I will endeavour to explain it.

Tenure in Capite of a Subject.

FROM the time of the *Norman* Conquest to the reign of *King Edward I* the law or custom of *England* was this. A subject who was immediate Tenant to another subject was deemed to hold *in Capite*, to him and his heirs, of such subject who was his

(s) Londonia.— Et non tenerent eadem, vel aliquem partem inde, de dicto nuper Rege, hæredibus vel successoribus suis, in Capite vocato Chiefe; nec cogerentur, occasione solummodo eorundem, prosequi aliquam liberationem. *Mich. Communia* 27 *Eliz.* Rot. 101.

(t) — Comitatus, Baronias, Terras, & provisiones alias, quas, in dicto Regno, & ubicumque extra illud, quæ tamen sunt de feudis ejusdem Regni, habent & habebunt, teneant in feudum in Capite a prædictis Duce, vel alio qui erit hæres & universalis suc-

cessor in prædicto Regno Siciliae, sub debito militari servicio, ac consueto censu.— *Ex Testamento Caroli II Siciliae Regis, Anno Dom. 1308. Leibnitii Cod. Diplom. Tom. 1. p 53.*

— Proposants que ledit Jean de Chastillon Chevalier estoit Seigneur des Chasteu & Chastellanie de Dampierre, laquelle il tenoit fort noblement a foy & hommage du Roy sans moyen, en tous domaine ressort & jurisdiction. *Maison de Chastillon par Duchesne, p 381, sub AD 1363.*

(u) *Cok. Lit. ch. 1. sect. 1.*

his Lord and of his heirs. The Estate vested in such Lord imported Seignourage, and the Estate of the Tenant Tenure, to wit, Homage and Service. So that by means of under-feofments, there might be a Seignourage vested in several persons, one under another, and several subaltern Tenures *in Capite*. For this and other reasons, it oftentimes became necessary, for a Feoffor to warrant to his Feoffee the Land conveyed to him, *contra Seniuragios*, that is against the feoffors Superiour Lords (w); or else *contra omnes gentes*, against all men (x). Here the word *Seniuragios* is somewhat ungrammatical. It standeth for *capitales dominos*, or *seniores*, *Seigneurs*. And as to the word *gentes*, *contra omnes gentes*, it is not used in warranties as a *Roman* word, but a *Romannick*; as hath been observed in another Book (y); and is not to be translated, as *Sir Edward Coke* translateth it, against all nations (z); but against all men.

But this later general warranty was most usuall.

In the eighteenth year of K *Edward I*, supervened the Edict or Ordinance commonly called the Statute of *Qui emptores terrarum*; which took-away Tenure of Holding *in Capite* of the Subjects one under another. But the regulation made or designed to be made by this Ordinance or Statute did not affect the King, as Judge *Littleton* affirmeth (a); and as other men will readily assent.

Of Holding of the Kings Person.

Concerning Tenure of the *Kings Person*, let us balance this Phrase; and consider how it is to be understood. According to the Feudal way of speaking, every Feudatary (in *England* we call such a one a *Feoffee* or *Tenant in chivalrie*) holdeth of some Living Person. Where there was a Feudatary, there was a Lord. Lord and Tenant were Mutuals or Relatives. We must remember

(w) — Warantizabunt ei & hæredibus suis prænominatam Terram cum omnibus pertinentiis suis, contra omnes homines & fœminas; & quod de omnibus rebus & servitiis, quæ contingere possunt, versus Seniuragios finaliter acquietabunt per prædicta ser-

vitia —. *Formulare Anglic. Formulæ* 320.

(x) *Formul. Anglic. passim.*

(y) *Hist. Exch. in Pref. p 13. q.*

(z) *Coke on Lit. sect. 88.*

(a) *Lit. Tenures sect. 140.*

remember that man cannot hold feudally of an Inanimate thing. A man cannot hold Land in fee of a Castle. But a living man, Tenant of a Manour or Land, may hold of a living man, Lord of a Castle. Immediate Tenure is properly, where a man holdeth to him and his heirs, of another man and his heirs; and where the Tenant in that case is in his Lords immediate Homage.

In *England* it came to pass in process of time, that some men were found to hold of the King, immediately or *in Capite*, as of the *Crown*; and others, immediately or *in Capite*, as of an *Honor* or *Castle*, then being in the Kings hand, by Escheat or Wardship. This puzzled them. And when they observed there were two Tenures of this sort, both called Tenure *in Capite*, they began to distinguish them. They who held of the King as of an *Honor* or *Castle*, were in common parlance said to hold *in Capite* of the *Honor* or *Castle*, that is, of the King, as of the *Honor* or *Castle*. To contradistinguish the said Tenure *in Capite as of the Crown*, from the *Tenure in Capite as of an Honor or Castle*, some person unluckily brought in the phrase of *holding of the Kings Person*.

But this phrase to *hold* of the *Kings Person* seemeth to be grounded upon an unexact notion. For in reality both he who holdeth of the King as of his Crown, and he who holdeth of the King as of an *Honor*, equally holdeth of the *Kings Person*; that is to say, of the King for the time being, or (if you please) of the King in perpetual Succession. And I do humbly apprehend, that in the nature of things, there is no other kind of *holding* of the *Kings Person*, besides that of holding of the King in perpetual Succession. If therefore I have observed right, the phrase *to hold of the Kings Person*, is not the language of ancient Records; at least in those ages, in which men understood Tenures best, and spoke most exactly about them; particularly, in the ages antecedent to the reign of K *Richard* II and K *Henry* IV. The phrase seems to have been brought into use in the modern ages. For example. In the reign of K *Henry* VIII, they spoke of holding of the King as of his Person, as appeareth in *Dyers Reports* (b). In the Statute of the first year of K *Edward* VI, mention is made of holding of the King as of his Person (c).

And

(b) *Dyer*, fol. 45. a. and fol. 58. a. the King as of his Person, or ancient possessions. *Statut. 1 Edw. 6. chap. 4.*
pl. 6 anno 36 H 8.

(c) A Clause concerning Tenure of *sect. 2.*

And since the reign of K *Edward VI*, this phrase hath been used by many others. But upon the foundation of what I have spoken above in this section, I do humbly propose, that the phrase *to hold of the Kings Person* may from henceforth be dismissed and put out of use, as deceitful and tending to error.

In ancient times, Tenure of the King *in Capite* was twofold; namely, Tenure of the King *in Capite ut de Corona*, as of his *Crown*; and Tenure of the King *in Capite ut de Honore, Baroniam, Castro*, as of an *Honor, Barony, Castle*, being in the Kings hands.

Let us consider what it was to hold of the King *in Capite ut de Corona*. This holding of the King *in Capite ut de Corona* was the primary and original holding of the King *in Capite*: And this was, when a man was originally feft by the King himself, out of his own Demeane, to hold to the Fee and his heirs, of the King and his heirs. This, I say, was the original holding *in Capite*. At first, that is, when Tenures were first brought into use in *England*, and before any Escheat or Wardship had hapned, there was no other holding of the King *in Capite* besides this. Then, to hold of the King *in Capite* signified this holding only. I will put a case. The case indeed is but a mere supposition, and I use it only for the sake of Explanation. I say, put the case, that during the space of twenty years, or any other given space of time, after the *Norman Conquest*, and after the first general Fefment of Lands all over *England*, that no Escheat or Wardship fell into the hand of the King for the time being. In that case or state of things, all persons who held of the King *in Capite*, held of the King *in Capite ut de Corona*. For during all that given space of time there was no other holding of the King *in Capite* besides this. Hence it came to pass, that the phrase to hold of the King *in Capite* doth many times signify this holding of the King *in Capite ut de Corona*.

In the third year of K *John*, in the case of *Robert le Chamberlein*, the question was, Whether the said *Robert* a Tenant in chivalry had right to hold the Fee now disputed, in Demeane of the King *in Capite*, or *Simon de Kyme* to hold it in Demeane as of the *Honour of Gloucester* (d). Afterwards, when Escheats and Ward-

ships

(d) *Hist. Excheq.* p 358. n.

ships fell into the Kings hand, the phrase, to hold of the King *in Capite ut de Honore* was found convenient and even necessary, to contradistinguish this Holding, from the primary and original Holding, which was, as hath been often said above, *ut de Corona*.

These *Honors* or some of them were often in the Kings hand; sometimes by Wardship, when the heir was under age; and sometimes they were annexed to the Crown by Escheat, when the Lord of the *Honor* died without heir. We are now to speak concerning *Honors* which were vested in the Crown by Escheat. When an *Honor* was vested in the Crown by Escheat, it was still called an *Honor* even whilst it continued in the Crown; as the Honor of *Boloigne*, of *Peverel*, of *Arundel*, and the rest; sometimes with the addition of the words, *qui est in manu Regis*, and sometimes without those words.

Lands which were holden immediately of the King as of his original Inheritance the *Terra Regis* (mentioned in *Domesday-book* in each County), were said to be holden of the King *in Capite*, in general terms: And if a man held Lands of the King *in Capite* as of the Kings original Inheritance, he was said to hold of the King *ut de Corona*. Here, the phrase holding *ut de Corona* was used in contradistinction to holding of the King *ut de Honore*, or *ut de Baronía* (e).

The Distinction between holding of the King in Chief *ut de Corona*,

In Capite ut
de Corona.

(e) — de nobis in Capite vel de Honore de Wahull —. *Trin. Communia* 14 *Hen.* 3. *Rot.* 8. *b. tit. Essex.*

Oxon[ia]. Hugo de Wodecote & Priorissa de Stodleghe, qui tenent x virgatas terræ, quæ fuerunt Aliciæ Clement in Sylbeford, attach[iati] ad acquietandum Abbatem de Abbyndon, Priorem de Wrockestan, Thomam Tremmerel, Christiana uxorem ejus, Priorissam de Pynleg, Johannem filium Simonis Vitor, Reginaldum Hakun & Philippum Leger, qui tenent quasdam terras, quæ fuerunt Aliciæ Clement in Wrockestan, de diversis auxiliis & scutagiis, quæ ab eis exiguntur per summonitionem Scaccarii, de uno feodo Militis, quod Alicia Clement te-

nuit in Capite de Domino Rege in Sylbeford, venerunt & rec[ognoverunt] quod tenent prædictas x virgatas terræ in eadem Villa de Rogero de Quenci Comite Wyntonix, pro uno feodo Militis. Et idem Rogerus attach[iatus] venit per Robertum le Waleys & Nicolaum de Thele Attornatos suos, positos loco suo ad lucrandum &c. & dixit quod tenet unum feodum Militis, quod fuit Aliciæ Clement in Sylbeford, pertinens ad feoda sua, quæ tenet de Honore de Leycestr[ia]. Et quia Barones de Scaccario in dubio sunt, utrum illud feodum sit de prædicto Honore, vel debeat teneri de Domino Rege in Capite, ponitur negotium in respectum usque a die Paschæ in xv dies &c. Et
sint

Corona, and holding of the King in Chief *ut de Honore*, was useful and ancient.

In the twelfth year of K *Edward II*, *Thomas de Inglesthorp* held the moieties of the Manors of *Reynham* and *Islington* of the King in Chief by Knight-service, as of the *Honor* of *Hauleigh*, and not as of the *Crown*. If he had held of the King *ut de Corona*, he was bound to do personal Service in the Kings Army, but if he held of the King *ut de Honore*, it sufficed for him to pay Escuage for that Army. He by ignorance had acknowledged that he held of the King *ut de Corona*, whereby he had bound himself to do personal Service. But upon discovering his mistake, he sued-for and obtained a Writ out of the Kings Chancery, whereby the King commanded the Barons of the Exchequer, that if they found by Records, that *Thomas* held the said Moieties of the King as of the said *Honor*, and not *ut de Corona*, then they should acquit him of corporal Service in the Kings Armies; provided that he pay Scutage when it shall be assessed on the Tenants of the said *Honor* (f).

In

sint hic partes &c. Ad quem diem venerunt; & consideratum est quod fiat Inquisitio coram Baronibus per xii^m &c. utrum prædictus Rogerus teneat prædictum feodum ut pertinens ad feoda, quæ tenet de prædicto Honore, an prædicta Alicia tenuit illud feodum de Domino Rege in Capite. Et Vicecomes faciat eos venire hic a die Sancti Johannis Baptistæ in xv dies, ad certificandum Barones &c. Et mandatum est Vicecomiti. Ad quem diem fecit venire hic pauperes & miserrimas personas &c. Et ideo mandatum est ei sicut alias, quod venire faceret hic a die Sancti Michaëlis in xv dies sex Milites & xii bene feoffatos &c. Et ipse tunc sit hic ad audiendum judicium suum &c. Ad quem diem venerunt; & dicunt super sacramentum suum, quod quædam Alicia Clement, a tempore cujus non extat memoria, illud feodum tenuit de Domino Rege in Capite; post cujus decessum quidam Comes Wyntonix intravit in feodum prædictum, sed quo modo,

utrum per feoffamentum prædictæ Aliciæ vel alio modo, nesciunt. *Ex Rot. Placitor. Scaccarii 44 & 45 Hen. 3. Rot. 4. b.*

(f) Monstravit Regi Thomas de Inglesthorp, quod licet ipse teneat de Rege medietates Maneriorum de *Reynham* & de *Islington* cum pertinentiis, quæ quidem medietates ad valorem decem marcarum per annum vix attingunt, ut dicit, per servitium medietatis feodi unius Militis tantum, ut de *Honore de Haghele*, & non de *Corona*, per quod servitium aliquod corporale Regi in aliquibus exercitiis suis ratione medietatum prædictarum facere teneatur, dictusque Thomas, sicut cæteri tenentes de *Honore* prædicto, de medietatibus prædictis scutagium Regi solvat, ut asserit, quociens scutagium in eodem *Honore* contigerit affideri: Idem tamen Thomas credens medietates prædictas de Rege ut de *Corona* teneri per servitium corporale pro medietatibus prædictis, tam ad Summonitionem Domini E quondam Regis

In the ninth year of K *James I*, by an Inquisition *post mortem*, it was found, that the Manor or reputed Manour of *Cowley* was holden by *Rowland Barkeley* Esquire, of the King as of his Crown of *England* (g).

Huntingfeld

Regis Angliæ patris Regis nunc, in diversis exercitiis suis Scotiæ, quam ad hujusmodi Summonitionem Regis pluries fecit, ut dicit, & servitium hujusmodi de dictis medietatibus, ac si de Rege ut de Corona tenerentur, deberi inprovidè recognovit, propter quod præfatus Thomas Regi cum instantia supplicavit, ut sibi super hujusmodi corporali servitio indebite recognito pro dictis medietatibus, & per ignorantiam pluries ut præmittitur factò, velit de remedio congruo providere: Nolens igitur Rex quod dicta recognitio, si taliter facta fuit per errorem, cedat præfato Thomæ vel hæredibus suis in præjudicium aut exheredationis periculum in futuro, mandat Baronibus, quod scrutatis libris suis de *Domesday* & de feodis, Rotulisque & Memorandis de dicto Scaccario si per inspectionem eorundem, vel alio modo legitimo eis constare poterit, prædictum Thomam dictas medietates Maneriorum prædictorum de Rege ut de honore prædicto, per servitium medietatis feodi unius Militis tantum teneri, & scutagium inde solverunt, & non de Corona, ut prædictum est, tunc non obstante recognitione prædicta, ipsum Thomam & hæredes suos de hujusmodi corporali servitio, ratione medietatum prædictarum, in exercitiis suis de cætero summoniendis faciendo exonerari & quietos esse faciant; Provisò quod idem Thomas scutagium de dictis medietatibus, sicut cæteri tenentes de eodem honore, cum scutagium ibidem affideri contigerit, modo debito Regi solvat. Teste Rege apud Ebor. quarto die Novembris anno duodecimo. *Hil. Brevia 12 Edw. 2. Rot. 76. b.*

(g) Wigornia. Jacobus Dei gratia

Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, fidei defensor &c. Escaetori suo in Comitatu Wigornia salutem. Cum per quandam Inquisitionem coram Francisco Walker generoso, nuper Escaetore nostro Comitatus prædicti, Wilhelmo Childe generoso feodario nostro Comitatus prædicti, & Philippo Metford generoso, Commissionariis virtute Commissionis nostræ eis & aliis directæ, post mortem Rowlandi Barkeley Armigeri, nuper captam & in Cancellariam nostram retornatam, (inter alia) sit compertum, quod prædictus Rowlandus Barkeley tempore mortis suæ fuit seifitus in Dominico suo ut de feodo, de & in Manerio, reputat[o] Manerio, five capitali Mesuagio de Cowley, cum pertinentiis in Comitatu Wigorn[iæ] prædicto, & in Comitatu Heref[ordiæ], una cum diversis terris——; Et quod prædictum Manerium, reputat[um] Manerium five capitale Mesuagium de Cowley, & cætera præmissa prædicta cum pertinentiis de nobis ut de Corona nostra Angliæ, per fidelitatem tantum pro omnibus servitiis, tenebantur——. Et ideo tibi præcipimus, quod accepta securitate a præfato Wilhelmo Barkeley, de rationabili relevio suo nobis solvendo ad Scaccarium nostrum, eidem Wilhelmo de prædicto Manerio five capitali Mesuagio, terris, tenementis & cæteris præmissis quibuscunque cum pertinentiis in balliva tua, quæ per mortem prædicti Rowlandi Barkeley captæ fuerunt in manus nostras, & in manibus nostris adhuc existunt, plenam seifinam sine dilatione habere facias, Salvo jure cujuslibet. Teste meipso apud Westm[onasterium] vicesimo octavo die Novembris, anno regni nostri,

Huntingfeld and Todenham.

IN the twelfth year of K *Edward* III, in the Court of Exchequer, in a Case relating to *Roger de Huntingfeld*, a Question arose, whether the Lands of *Roger* were holden of the King *ut de Corona*, or *ut de Baronia vel Honore*. The King sent two Writs of his Great Seal to the Treasurer and Barons of his Exchequer, commanding them to make Search in the *Book of Domesday*, the *Books of Knights Fees*, and other Records of the Exchequer, and to call several Judges of the Common Law, Sergeants and others of the Kings Council, to their assistance, and certify to the King what they found upon such Search. To each of those Writs the Treasurer and Barons returned to the King in his Chancery a Certificate of one and the same tenour; by which Certificate they declared and set-forth several things which were found upon the said Search. They also certified, that they called to them the Kings *Justices* of his *Common Bench*, his *Sergeants-Pleaders*, and others of his *Council*, and had maturely considered the case: And that, as to the words contained in the said *Book of Domesday*, they were not able to make a Declaration or Interpretation of them, unless just as the words of the said *Book* sounded. Nevertheless, considering all the premises, the said Court of Exchequer, the Justices, Sergeants and others of the Kings Council were of opinion, that it was not reasonable for the King to remove his hands from that which belonged to him in this case by the Prerogative of his Royal Dignity, unless the Parties prosecuting could produce some farther Proof; concerning which, they judged that such Parties as would prosecute their Claim in this behalf ought to be heard. *Memorandum*, this Certificate is duplicated: One is delivered to *Peter de Richemund*, the other to *Nicolas de Hulm*, to be carried at their peril to the King. And *memorandum*, the Justices who were called to the Treasurer and Barons upon this occasion were, *Geoffrey le Scrop* Chief Justice of the King's Bench, *John de Stonore* Chief Justice of the Common Bench, *Richard de Aldeburgh*,
William

stri Angliæ Franciæ & Hiberniæ no-
 no, & Scotiæ quadragesimo quinto.
 Per billam Curie Wardorum & libe-

rationum &c. Phellipps. White. *Hil.*
Communia 9 Jac. 1. Rot. 296. a.

Y y

William de Sharebull, Roger Hillary, William Basset, John de Shardelowe, Justices of the Common Bench (b).

But

(b) Cantebrigia. De Certificatione facta Domino Regi de terris Rogeri de Huntingfeld & servicio inde.

Dominus Rex mandavit hic duo brevicia sua de Magno Sigillo suo, quæ irrotulantur in Memorandis alterius Rememoratoris, inter brevicia directa Baronibus de hoc termino, unum videlicet rotulo xº, & aliud rotulo xvº, sub eodem tenore in hæc verba. Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ, Thesaurario & Baronibus suis de Scaccario salutem. Cum quidam Magnates & alii fideles nostri penes nos, pro terris & tenementis, quæ fuerunt Rogeri, de Huntyngfeld defuncti, & quæ de ipsis tenentur, prout per inquisitiones inde post mortem præfati Rogeri, de mandato nostro captas, & in Cancellaria nostra retornatas, plenius apparet, & quæ, occasione mortis ejusdem, & ratione minoris ætatis hæredis ipsius Rogeri, capta sunt in manum nostram, extra manum nostram habenda prosequantur, nomine custodiæ tenenda, asserentes ipsum Rogerum aliqua terras seu tenementa de nobis in Capite die quo obiit nullatenus tenuisse, per quod custodia omnium terrarum & tenementorum, quæ fuerunt prædicti Rogeri die obitus sui, ad nos pertinere deberet ista vice; & licet compertum sit per aliquas evidencias in Cancellaria nostra residentes, quod Rogerus de Huntyngfeld tenuit in Bokesworth quartam partem feodi unius Militis de nobis in Capite, & quod Willelmus de Huntyngfeld pater prædicti Rogeri, cujus hæres ipse fuit, & filius & hæres Rogeri de Huntyngfeld dudum defuncti, solvebat ad Scaccarium prædictum relevium suum, videlicet de quarta parte unius feodi Militis in Bokesworth, & quæ per quandam certificationem Thesaurarii & Ba-

ronum de eodem Scaccario, tempore Domini E nuper Regis Angliæ patris nostri in Cancellariam suam missam. Similiter in libro feodorum, sub titulo Baroniam Pycoti, sit compertum, quod Rogerus de Huntyngfeld tenuit in Bokesworth quartam partem unius feodi Militis de Rege in Capite, & in libro qui dicitur Domesday, in Comitatu Cantabrigiæ, sub titulo Terræ Roberti Gernoun in Pipesworth hundredo, annotatur sic, Bokesworth tenet Picot tres hidas & dimidium, super servicio quod debetur de dicto Manerio de Bokesworth. Volentes tamen tam per declarationem juris nostri quam aliorum prædictorum, in hac parte plenius certiorari, si terræ & tenementa quæ de nobis tenentur in Capite, & quæ sub titulo Baroniam Picoti, & aliis hujusmodi titulis in dictis libris scribuntur & inseruntur, teneantur de nobis ut de Corona, an ut de Baronia vel Honore, & qualiter dicta verba, quæ sic in eodem libro de Domesday reperiuntur interpretanda & intelligenda, juxta vim & effectum eorundem verborum & morem Scaccarii prædicti, existunt, & si dictæ tres hidas & dimidium ad servitium de dicto Manerio de Bokesworth debitum se extendant necne, & si sic, tunc qualiter & quomodo, & utrum custodia omnium terrarum & tenementorum, quæ fuerunt præfati Rogeri, ut præmittitur, ratione dicti servitii nobis de prædicto Manerio de Bokesworth, quod idem Rogerus tenuit in Dominico suo ut de feodo die quo obiit, sicut in inquisitionibus prædictis inter cætera continetur, debiti, an alicujus alterius servitii seu juris idem Manerium de Bokesworth contingentium, quæ in eodem Scaccario poterint inveniri, ad nos debeat pertinere. Vobis mandamus, quod dictos libros de Domesday

But I do humbly apprehend, the Barons of the Exchequer, and the rest of the Kings Council, needed not in this case to have certified *nescimus interpretationem facere*, of what they found in
Domesday-

Domesday & feodorum, ac alia Memoranda Scaccarii prædicti, præmissa tangentia, diligentius scrutari, & hiis scrutatis, justiciarios nostros & alios de Consilio nostro, quos fore videritis evocandos, ad vos convocari faciatis, & habita super præmissis matura & diligenti deliberatione, factaque declaratione juxta discretionem vestram, & ipsorum, quos ad vos sic duxeritis evocari, super dictis verbis in prædictis libris contentis & aliis, si qua idem negotium contingencia inveneritis, quæ dubia apparent de præmissis, una cum avifamento & deliberatione vestris in hac parte, nos in Cancellariam nostram a die Sancti Michaelis proximo futuri in tres septimanas, quem diem præfatis Magnatibus, & aliis penes nos sic prosequentibus dedimus, super præmissis distincte & aperte sub Sigillo ejusdem Scaccarii certificetis, hoc breve nobis remittentes, ut tunc visis certificatione illa & aliis, quæ penes nos in Cancellaria nostra prædicta resident, & quæ præmissa contingunt; Ulterius inde tam pro nobis quam pro aliis supradictis fieri faciamus, quod juris fuerit & rationis. Teste meipso apud Westmonasterium xxvi^o die Augusti anno regni nostri undecimo. Quæ quidem breviam remittuntur Domino Regi in Cancellaria sua separatim, utrumque videlicet cum certificatione inde facta sub eodem tenore in hæc verba. Scrutatis libris de Domesday & feodorum, & aliis Memorandis Scaccarii vestri, super contentis in brevi vestro, quod vobis remittimus præsentibus interclusum, comperimus in ipso libro de Domesday sub rubrica, Terra Roberti Gernon verba subscripta. In Papefword hundredo, in Coutone tenet Picot de Roberto i hidam & i virgatam,

Terra est i carucata, & ibi est cum iii bordis pratum, i carucata & dimidia valet xvi s, quando recepit xx s, t r E hanc terram tenuit i homo Wallef Comitiss, foca ejus jacuit in Stanton, in Bockesworde tenet Picot de Roberto iii hidas & dimidiam, terra est iii carucatarum; In dominio sunt ii & iii villani, cum iii cottariis, habent i carucatam, ibi ii servi pratum iii carucatarum, valet xxx s. Quando receperunt xs; t r E lxs. Hanc terram tenuit Leffi homo Wallef Comitiss, & vendere potuit. In Swauesy tenet Picot de Roberto i hidam. Terra est i carucata, & ibi ii bord[arii], pratum i carucata, valet & valuit v s, t r E xx s. Hanc terram tenuit Leffy homo Wallef Comitiss, & dare & vendere potuit. Has terras tenet Picot Vicecomes de Roberto Gernon in maritagio foeminae suæ.

Et in dicto libro feodorum Cantabrigia invenimus talem titulum: Baronia Pycoti, & sub titulo illo sic, Rogerus de Huntyngfeld tenet in Bokesworth quartam partem feodi unius Militis in Capite de Domino Rege. Baldewinus Blangernun tenet in Comton quartam partem feodi unius Militis de Willelmo la Cusche. Willelmus la Cusche tenet in Cueye quartam partem feodi unius Militis in Capite de Domino Rege. Willelmus de Cueye tenet in Cueye, & in Haytele feodum dimidii Militis, de Willelmo la Cusche. Ricardus le Botiller tenet in Waterbech feodum dimidii Militis, in Capite de Domino Rege. Nicolaus de Feugeres tenet in Crauden feodum dimidii Militis de Ricardo le Butiller. Et sic sub eodem titulo comprehenduntur tam tenentes de Rege in Capite, quam tenentes de aliis

Domesday-book. It was not material, whether they knew the meaning of all the antique words occurring in *Domesday-book* or not. It seemeth the Rule of interpreting and applying that Book was

aliis Dominis, nulla facta mentione de aliquo tenente, de illa Baronia Py-coti.

Comperimus etiam alibi in eodem libro in dicto Comitatu Cantabr[igiæ], sub hujusmodi titulo de Baronia, videlicet sub tali titulo, Baronia Gilberti Pech sic: Gilbertus Pech tenet Manerium de Brunne de Domino Rege in Capite in communa Baroniarum suarum. Et postmodum sub tali titulo, Baronia Roberti filii Walteri sic, Abbas de Ramesia tenet feoda quatuor Militum in Capite de Domino Rege. Et sic per ista verba, de Rege in Capite, absque aliqua mencione facta de Corona, in eodem libro annotantur ibidem quamplures, qui tenent de Rege ut de Corona, distinctioque & separatio fiunt ibidem in diversis locis de hiis, qui tenent de Rege ut de honoribus, ab hiis, qui tenent de Rege in Capite, & similiter ab hiis, qui tenent de Baronibus.

Comperimus enim in eodem libro in Ebor[aco], sub titulo, De feodis & honore Willelmi de Percy sic, Henricus Camerarius tenet in Capite, de Domino Rege in Warrum quartam partem unius feodi, & in Aclun, & Lemugg unum feodum.

Comperimus etiam in Memorandis, de anno regni Domini E quondam Regis Angliæ Avi vestri xviiiº, inter Communia de Termino Sancti Michaelis, sic, Robertus de Percy venit coram Baronibus, & dat Regi xxv s, pro relevio suo de quarta parte unius feodi, quod de Rege tenet in Capite in Quarrum, sicut recognovit.

Comperimus insuper in dicto libro feodorum in Lincolnia talem titulum, Particularia feodorum, quæ tenentur de

Rege in Capite & de aliis Honoribus & sub titulo illo verba subscripta. Martinus Martell tenet quartam partem unius Militis in Canewyk de Domino Rege in Capite.

Fulco de Lifuris tenet xv partem unius feodi de Domino Rege in Capite de novo feoffamento.

Simon de Kyma tenet dimidium feodum in Stotteby de Domino Rege in Capite.

Johannes de Nevill tenet duo feoda Militis in Stretton de feodis H Paynel, & ipse de Domino Rege.

Robertus de Welle tenet in Aby & Scrubby unum feodum Militis de Honore de Dover, Kettelbertus de Keles tenet quartam partem unius feodi in Sutton de Baronia Simonis de Kyma. Agnes Pollard tenet tertiam partem unius feodi in Estravendale in honore de Ponte Fracto. Agatha Trussabut tenet in Melton & alibi unum feodum Militis de Domino Rege in Capite.

Rogerus de Moubray tenet unum feodum in Insula de Domino Rege de veteri feoffamento.

Et in eodem libro in Kancia sub tali titulo, Lestum de Sypweye sic, Simon de Crioll tenet Pacamanston, & pertinet ad duo feoda in Hefsettesford de Domino Rege, de honore de Pertico.

Nicolaus de Marines unum feodum in Otrepole.

Robertus de Scales unum quartum in parva Wilminton de Domino Rege de honore de Pertico.

Et in aliis Memorandis prædictis, videlicet in extractis Rotulorum de Cancellaria, de anno regni Regis H proavi vestri vicesimo secundo libera-

was this. If they had found *Roger de Huntingfeld's* Land under the Title *Terra Regis*; Or if they had found *Rogers* Land under the Title, *Terra Illius de Huntingfeld*, that is, in the name of any of his Ancestours: Either of these would have been a Proof that *Roger* held his Land of the King *in Capite, ut de Corona*. On the other hand, if *Rogers* Land had been found in *Domesday-book*, under the Title, *Terra Hugonis Bigot*, or *Terra* of any other Baron; that had been a Proof, that *Rogers* Land was holden of the King *ut de Honore* or *Baronia*, if the *Barony* or *Honor* of such Baron was then in the hand of K *Edward III*, either by Escheat or Wardship.

In or about the same twelfth year of K *Edward III*, a Case of *Robert de Todenham* was moved in the Court of Exchequer. The question was, whether *Robert* held certain Manors and Lands of the

tis ad Scaccarium, comperimus sic, Rex cepit homagium Rogeri de Huntingfeld & Willelmi de Picheford, qui habent duas de filiabus & hæredibus Willelmi de Hobrugg in uxores, de terris, quas prædictus Willelmus tenuit de Rege in Capite, quæ prædictas uxores hæreditarie contingunt; Ita quod si Hillaria tertia filia ipsius Willelmi, cui imponitur, quod est apud Kampes in habitu religionis, venerit ad partem suam petendam de terris prædictis, prædicti Rogerus & Willelmus sine contentione rationabilem partem suam ei reddent. Et mandatum est Vicecomiti Cant[abrigiæ], quod capiat securitatem ab eis de quinquaginta solidis & duobus palefridis de promisso. [Here follows a certificate of several other matters out of the ancient Extracts of the Chancery. Then the Record continues and ends as followeth.]

Et super hoc convocatis ad nos Justiciariis vestris de Banco, & Servientibus vestris ad placita & aliis de Consilio vestro, visoque brevi vestro prædicto, & singulis aliis præmissis, habitaque inde inter nos matura & diligenti deliberatione, nescimus super dictis verbis in dicto libro de Domesday

contentis declarationem seu interpretationem facere, nisi quatenus verba inde sonant. Consideratis tamen omnibus præmissis, non videtur nobis Justiciariis, Servientibus & aliis de Consilio vestro prædicto, quod per ea quæ sic comperta sunt, est consonum rationi, quod vos de eo, quod ad vos pertinet in hac parte, juxta prærogativam vestræ regię dignitatis, manum vestram amovere debeatis, nisi aliud per partes persequentes inde ostendatur, ad quod visum est nobis, audiendos esse, qui prosequi voluerint in hac parte. Et memorandum quod ista certificatio duplicatur, & una liberatur Petro de Richemund, & altera Nicolao de Hulm, deferendæ suo periculo &c. Memorandum etiam, quod ad præmissa &c. convocati fuerunt ad Thesaurarium & Barones, Justiciarii subscripti, videlicet, Galfridus le Scrop Capitalis Justiciarius de Banco Regis, Johannes de Stonore Capitalis Justiciarius de Communi Banco, Ricardus de Aldeburgh, Willelmus de Shareshull, Rogerus Hillary, Willelmus Basslet, Johannes de Shardelowe, Justiciarii de eodem Banco communi. Mich. Communia 12 Edw. 3. Rot. 9. a.

the King *in Capite*, or whether he held them of some other Lord or Lords. The King by a Writ of his Great Seal commanded the Treasurer and Barons of his Exchequer, to search the Book of *Domesday*, the Book of Knights Fees, and the Rolls and *Memoranda* of the Exchequer, and to certify the King of what they should find therein touching the premiffes. The Treasurer and Barons caused Search to be made accordingly. They certify feveral particulars which they found in *Domesday-book* and other Records; but do not come to any Resolution or Opinion touching the present Cafe (*i*).

Richard

(*i*) Suff[olcia]. Certificatio facta Domino Regi de terris Roberti de Tudenham, in Tudenham & alibi.

Dominus Rex mandavit hic breve suum de Magno Sigillo suo, quod irrotulatur de Memorandis alterius Rememoratoris, inter breviam directa Baronibus in hoc termino, Rotulo videlicet xxiii^o in hæc verba. Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, Thesaurario & Baronibus de Scaccario, ac Camerariis suis, salutem. Cum per quasdam Inquisitiones per dilectum & fidelem nostrum Willelmum Trussel Escaetorem nostrum citra Trentam, de mandato nostro captas, & in Cancellaria nostra retornatas, sit compertum, quod Robertus de Todenham defunctus tenuit in Dominico suo ut de feodo, die quo obiit, in Todenham & Kessgrave, quasdam terras & quædam tenementa de nobis in Capite, per servitium unius feodi Militis, & reddendi ad Wardam Castri de Norwico duos solidos & quinque denarios, & duos denarios de feodo vigilis ad idem Castrum, solvendo tribus terminis singulis duobus annis, & quod tenuit in dominico suo, ut de feodo de nobis in Capite die prædicto, Manerium de Belynges Magna, cum advocacione Ecclesiæ ejusdem Manerii, & Manerium de Grondesburgh, videlicet dictum Manerium de Belynges, per servitium feodi unius Mi-

litis, & per servitium prædictum reddendi ad Wardam, ac prædictum Manerium de Grondesburgh per servitium feodi unius Militis, & per servitium prædictum reddendi ad Wardam; & per easdem Inquisitiones similiter acceperimus, quod diversa alia Maneria terræ & tenementa, quæ fuerunt ipsius Roberti, die prædicto, tam de dilectis & fidelibus nostris Thoma Comite Norf[olciæ] & Marefcallo Angliæ, Willelmo de Bohun Comite Norhamton[iæ], Roberto de Scales, & Gilberto Pecche, quam de diversis aliis Dominis, per servitium militare & alia servitia tenentur; & jam dictus Robertus de Scales in dicta Cancellaria nostra asseruerit, inquisitiones prædictas, ad sectam quorundam, ipsum & alios Dominos prædictos gravare nitentium, captas fuisse, ut custodia Maneriorum terrarum & tenementorum prædictorum ab eis auferatur, & quod præfatus Robertus de Todenham de nobis non tenuit in Capite, ut est dictum, & quod nos seu aliquis Progenitorum nostrorum, custodiam Maneriorum, terrarum & tenementorum prædictorum, post mortem alicujus antecessorum præfati Roberti de Todenham, non habuimus, nec habuit temporibus retroactis, & prædictus Robertus de Scales in Cancellaria nostra cum effectu prosequatur, ut nos manum nostram tam de dictis Maneriis, quæ de nobis inveniuntur

Richard de Cornwaille.

IN the second year of K Henry IV, *Richard de Cornewaylle* held

untur sic teneri, quam de aliis Maneriis, terris & tenementis, quæ de eis, ut præmittitur, tenentur, amoveri faciamus: Nos volentes certiorari, si dicta Maneria de Belynges & Grondesburgh, ac terræ & tenementa in Todenham & Kessegrave, de nobis teneantur, ut est dictum necne, & si de nobis, tunc per quod servitium, & qualiter, & quo modo, & si nos vel aliquis Progenitorum, nostrorum, custodiam Maneriorum terrarum & tenementorum prædictorum, post mortem alicujus antecessorum dicti Roberti de Todenham, aut alio modo, habuimus seu habuerit, ut prædictum est necne, & si sic, tunc post mortem cujus, quo tempore, qualiter, & quo modo: Vobis mandamus, quod, scrutatis libro vocato Domesday & libro feodorum, ac Rotulis & Memorandis præmissa tangentibus, & in Scaccario prædicto residentibus, necnon Rotulis compotorum, si quæ hæc tempora ad idem Scaccarium redita fuerint, de Maneriis, terris & tenementis prædictis, post mortem aliquorum antecessorum ejusdem Roberti de Todenham, nos de eo, quod inde inveneritis, sub Sigillo Scaccarii prædicti distincte & aperte, adcitius quo poteritis, reddatis certiores; hoc breve nobis remittentes. Teste meipso apud Turrim Londoniæ, x^o die Octobris anno regni nostri undecimo. Per Consilium. Quod quidem breve remittitur Domino Regi, una cum certificatione inde facta, in hæc verba. Scrutatis libris de Domesday & feodorum, ac Rotulis & Memorandis Scaccarii vestri tangentibus ea, quæ in mandato vestro regio, quod vobis remittimus præsentibus interclusum, continentur, com-

perimus in dicto libro de Domesday, in Comitatu Suffolciæ, ea, quæ inferius annotantur, videlicet sub titulo, Terra Comitum Alani, hundr[edum] de Carlesforda sic, In Tudenham, i liber homo R Stalra de iiii ac[r]is, & val[et] viii d.

Et postmodum sub tali titulo, Terra Comitum Hugonis, hundr[edum] de Callesforda sic, in Grundesburgh, i liber homo commendatus Heroldi tempore Regis E, & uxor ejus commendata Haldein, lx ac[r]æ terræ pro una marca, modo tenent iiii liberi, Semper i villanus & ii bord[arii], & i carucata & ii ac[r]æ prati tunc val[ebant] x solidos, modo similiter. *Many other searches are made and certified in this Roll. It followeth,* Comperimus similiter in Magno Rotulo de anno vii^o dicti patris vestri, quod xls exacti fuerunt ibidem sub nomine Willelmi de Tudenham, de fine pro habenda perdonatione de transgressionem, quam fecit adquir[endo] quædam tenementa in Saxmundham, quæ de Rege tenentur, ratione terrarum & tenementorum, quæ fuerunt Rogeri le Bygod, quondam Comitum Norf[olciæ]; set utrum prædicti Edmundus, Johannes & Willelmus fuerunt antecessores prædicti Roberti de Tudenham, seu idem Robertus tenuit die quo obiit prædicta feodum & quartam partem feodi in Briset, ac dicta tenementa in Saxmundham, simul cum aliis terris & tenementis in mandato vestro supradicto contentis necne, invenire non possumus per inspectionem librorum, Rotulorum & Memorandorum prædictorum.

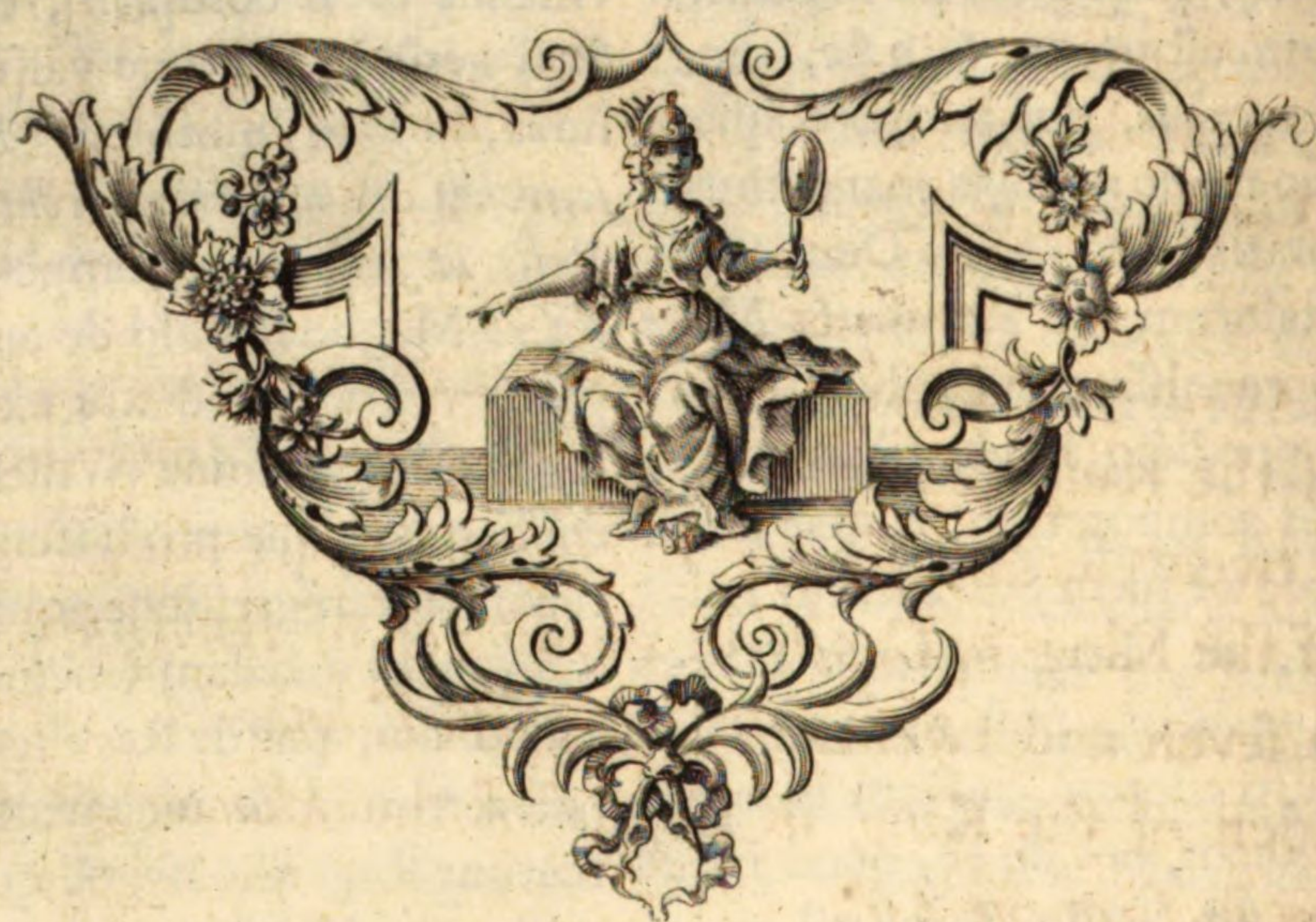
Et memorandum, quod de scrutinio facto de dictis diversis Rotulis de temporibus

held certain land of the King *in Capite*, by Barony (*k*).

poribus prædictorum proavi & avi Regis nunc, & etiam de dictis Magnis Rotulis, habetur quædam cedula inter billas de hoc Termino, liberata hic per Willelmum de Stowe Ingrossatorem hujus Scaccarii. *Mich. Communia* 12 *Edw.* 3. *Rot.* 13. *a.*

(*k*) Salopia. Ricardus de Cornewaylle ponit loco suo Petrum Camerynham

& Thomam Broket, vel unum eorum versus Dominum Regem, de placito, quod idem Ricardus reddat Domino [Regi] relevium de tenementis quæ tenet de ipso Domino Rege per Baroniam, post mortem Briani de Cornewaylle fratris ejusdem Ricardi. In pleno Scaccario. *Hil. Attornati*, &c. 2 *Hen.* 4. *Rot.* — . *a.*



CHAPTER II.



Will here set-down some Instances, whereby it will appear, that men might hold of the King *in Chief, ut de Honore, Comitatu, Baronia.*

Instances of Tenure in Capite ut de Honore.

IN the eighth year of K *Richard I*, *Simon de Merk* held two Knights fees of the King *in Capite* of the *Honor* of *Boloigne* (l).

In the second year of K *John*, *Thurstan Basset* held several Knights Fees of the King *in Capite* of the *Honor* of *Walingford* (m).

In the tenth year of K *Henry III*, certain Knights Fees were holden of the King *in Capite* of the *Honor* of *Camel* (n).

In the twentysecond year of K *Henry III*, six Knights fees were holden of the King *in Capite* of the *Honor* of *Boloigne* (o).

In the seven and twentieth year of K *Edward I*, certain lands were holden of the King *in Capite* of the *Honour* of the Castle of *Skipton in Cravene* (p).

In

(l) *Simon de Merc* [debet] iii marcas pro Scutagio suo, de feodo ii Militum, quod tenet in Capite de Rege, de Honore *Bolonix*——. *Mag. Rot.* 8 Ric. 1. *Rot.* 9. b. citat. in *Hist. Scac.* p 447. col. 2. f.

(m) *Hist. Excheq.* p 458, col. 2. u.

(n) *Sumerf[eta]*. — de feodis Militum, quæ de nobis tenet in Capite de Honore de *Camel*——. *Memoranda* 10 Hen. 3. *Rot.* 10. a.

(o) — Pro vi feodis Militum, quæ

dicitur de Rege tenere in Capite de Honore *Bolonix*——. *Memoranda.* 22 Hen. 3. *Rot.* 6. a. citat. in *Hist. Scacc.* p 451. col. 1. c.

(p) *Bedef.*—— & quæ Maneria sunt de Honore de *Cravene*, qui quondam fuit *Comitis Albemarliæ*, & nunc est in manu Regis——. *Pas. Fines* 26 & 27. *Edw.* 1. *Rot.* 66. a.

Ebor.—— & ipse nunc clamat tenere de Rege in Capite de Honore *Castri de Skipton in Cravene*, quod fuit

A a a Comitis

In the same year Land was holden of the King as of the *Honour of Foderingey* (q).

In the three and thirtieth year of K *Edward* I, land was holden of the King *in Capite* as of the *Honour of Albemarle* (r).

In the thirtyfourth year of K *Edward* I, *Ralfe de Boxtede* held a Knights Fee in *Boxtede* of the King *in Capite*, as of the *Honour of Boloigne* then being in the Kings hand (s).

In the first year of K *Edward* II, the Manour of *Erefwell* was holden of the King *in Capite*, as of the *Honor of Boloigne* (t).

In the thirtyfifth year of K *Edward* I, *John de Bussey* held of the King two Knights fees *in Capite*, as of the Barony of *Gaunt*, then being in the Kings hand (u).

In the first year of K *Edward* II, *William Gumbaud* is found to have held certain lands of K *Edward* I, *in Capite* as of the *Honour of Albemarle* in *Holderneffe* (w). And other lands were holden

Comitis Albemariæ, nunc in manu Regis existente, unam carucatam terræ in Hertlinton —. *Ibid Rot.* 67. a.

(q) Hunt. — cognovit se tenere de Domino Rege, ut de Honore de Foderingeye —. *Pas. Fines* 26. & 27 *Edw.* 1. *Rot.* 66. a.

(r) Ebor. — quæ dictus Petrus tenuit, de Rege in Capite, die quo obiit ut de Honore Albemariæ in manu Regis existente. *Mich. Fines* 33 *finiente Edw.* 1. *Rot.* —.

(s) Effex[ia]. Petrus Boxtede filius & hæres Radulphi de Boxtede dat Domino Regi c s, pro relevio suo, de omnibus terris & tenementis, quæ dictus Radulphus tenuit de Rege in Capite, die quo obiit, ut de Honore Bononiæ in manu Regis existente, videlicet de uno feodo Militis in Boxtede, sicut dictus Petrus recognovit, & sicut compertum est in Rubeo Libro inter feoda de Honore prædicto, & eciam in Rotulo hic liberato per prædictum... Eschaëtorem. *Pas. Communia* 34 *Edw.* 1. *Rot.* 33. a.

(t) — quod prædictum Manerium

[de Erefwell] teneri debet de Rege in Capite, ut de Honore Bononiæ, & non de alio. *Hil. Memoranda* 1 *Edw.* 2. *Rot.* 41. a. *citat. Hist. Scac.* p 434. col. 1. i.

(u) Lincolnsira. Johannes de Buffy filius & hæres Hugonis de Buffy, was impleaded for Relief, de duobus feodis Militum, quæ tenet de Domino Rege in Capite, ut de Baronia de Gaunt in manu Regis existente —. *Trin. Fines* 35 *Edw.* 1. *Rot.* 66. a.

Linc. — de Domino Rege in Capite, ut de Baronia de Gaunt in manu Regis existente, videlicet de medietate illorum quatuor feodorum Militum, quæ Johannes Dyve defunctus dudum tenuit in — in Capite, de antecessoribus Gilberti de Gaunt —. *Trin. Communia* 35 *Edw.* 1. *Rot.* 66. a.

(w) Ebor. Laurentius de Holbech & Margareta uxor ejus, Soror & altera hæredum Willelmi Gumbaud defuncti, dant Domino Regi ii s ii d ob. q. pro relevio suo de proparte ipsos contingente, de terris & tenementis, quæ dictus Willelmus tenuit in Capite, die quo

holden of the same K *Edward* I, in *Capite*, as of the *Honor* of *Skipton* in *Cravene* (x). In the third year of K *Edward* II, it is alleged that *Monsieur de Burleye* held land of the King in *Capite* as of the *Honor* of *Chester* (y).

In the fifth year of K *Edward* II, *Robert de Oggelondre* son and heir of *Henry de Oggelondre*, answered to the King for Relief, for certain lands and tenements which he held by Knight-Service of the King in *Capite*, as of the *Honor* of the Castle of *Karesbrook* (z).

In the ninth year of K *Edward* II, *Richard de Okebear* son and heir of *Roger* held the fourth part of the Manour of *Rillaton*, of the King in *Capite*, as of the Earldom of *Cornwall*, then being in the King's hand (a).

In the fifteenth year of K *Edward* II, certain land was holden of the King in *Capite*, as of the *Honor* of *Clifford* (b).

In

quo obiit, de Domino E nuper Rege Angliæ Patre Regis nunc, videlicet de medietate duarum carucatarum & unius bovatae terræ in Parva Thorn juxta Hedon in Comitatu Ebor. unde xlviii carucatae terræ faciunt feodum unius Militis, & octo bovatae terræ faciunt carucat[am] terræ, quas dictus Walterus tenuit &c. in Dominico Servitio & elemosina, ut de Honore Albemariæ in Holderneffe in manu dicti Regis E existente, sicut idem Laurentius &c. recognoverunt —. *Pas. Communia* 1 *Edw.* 2. *Rot.* 58. a. inter *Fines* &c.

(x) Ebor[ascira]. Land held in Capite de dicto Rege E [Patre Regis nunc], ut de Honore de Skipton in Cravene in manu ejusdem Regis E tunc existente —. *Pas. Communia* 5 *Edw.* 2. *Rot.* 47. b.

(y) Pro Philippo de Burleye. — qui eas de Domino E Rege Angliæ patre nostro tenuit in Capite ut de Honore Cestriæ. *Pat.* 3 *Edw.* 2. m. 9.

(z) Suthamptonia. Robertus de Oggelondre, filius & hæres Henrici de

Oggelondre, dat Domino Regi xxxiii s iiii d, de Relevio suo de omnibus terris & tenementis, quæ dictus Henricus pater suus tenuit de Rege in Capite, die quo obiit, videlicet de quibusdam tenementis in Nonewelle in Insula Vecta in Comitatu Suhamtoniæ, quæ tenentur de Rege in Capite, ut de Honore Castri de Karesbrok, per servitium tertiae partis unius feodi Militis & per servitium inveniendi Domino Regi unum Peditem armatum in prædicta Insula tempore guerræ —. *Hil. Communia*, inter *Fines*, 5 *Edw.* 2. *Rot.* 35. a.

(a) — videlicet de quarta parte Manerii de Rillaton, quam dictus Rogerus tenuit de Rege in Capite ut de Comitatu Cornubiæ in manu Regis existente, per servitium duorum solidorum per annum, & per servitium faciendi sectam —. *Pas. Fines* 9 *Edw.* 2. *Rot.* 113. b. citat. *Hist. Scacc.* p 434. col. 2. k.

(b) Glouc[estrescira]. — tenuit de Rege in Capite, die quo obiit, ut de Honore de Clifford in manu Regis existente —. *Mich. Communia* 15 *Edw.* 2. *Rot.* 35. a.

In the nineteenth year of K *Edward II*, *Thomas Talevaz* held a Mesuage in *Shatesham* of the King in Capite, as of the *Honor of Eye*, then being in the King's hand (c).

In the twentieth year of K *Edward II*, *William de Echingham* held certain Tenements of the King, as of the *Barony of Hastings* (late of *John de Britannia*) then being in the Kings hand; and ten acres of Land in *Bedynghamme* of the King in Chief, as of the *Honor of Aquila* then being in the Kings hand (d).

In

(c) Suffolcia. *Thomas Talevaz* tenens terrarum & tenementorum, quæ fuerunt *Roberti Talevaz* consanguinei & hæredis *Thomæ Talevaz*, habuit diem hic modo ad octabas S Trinitatis per breve, ad respondendum Domino Regi de relevio prædicti *Roberti*, de uno Mesuagio cum pertinentiis in *Shatesham*, quod dictus *Thomas* tenuit de Rege in Capite, die quo obiit, ut de *Honore de Eye* in manu Regis existente, & pro quo Mesuagio dictus *Robertus* fecit Regi fidelitatem, sicut continetur in Originali de anno nono hujus Regis.

Et idem *Thomas* venit & cogn[oscit], quod tenet Mesuagium prædictum de Domino Rege in Capite, ut de *Honore* prædicto, per servitium faciendi unam apperanciam semel per annum ad Curiam Domini Regis de *Eye*, & quod paratus est facere relevium Domino Regi pro Mesuagio prædicto, prout Curia &c. *The Court ordered that the Escheatour do enquire and certify the Court.* Postea videlicet in quindena Paschæ, anno quarto Regis *E* filii hujus Regis, *Escaetor*, videlicet *Simon de Bereford*, retornavit hic breve sibi super hoc directum, indorsatum sic; Inspectis Memorandis de temporibus Prædecessorum meorum, nuper *Escaetorum Domini E Regis Patris Domini Regis nunc*, compertum est per inquisitiones coram eis factas, quod illud mesuagium, de quo fit mentio in isto brevi, tenetur de Rege, ut

de *Honore de Eye*, per servitium veniendi ad turnum de *Eye*, semel in anno post Pascham, pro omni servitio. Et prædictus *Thomas* venit per *Willelmum de Marlesford* Attornatum suum, & petit admitti ad faciendum relevium inde, prout, &c. Et quia Barones volunt plenius deliberare inde antequam ulterius, &c. dictus *Thomas* adjornatur ulterius per prædictum Attornatum, ad recipiendum quod Curia, &c; sicut continetur in Memorandis anni quarti Regis *E* filii Regis hujus, inter dies datos de Terminis Paschæ. *Trin. Communia 19 Edw. 2. Rot. 49. a.*

(d) *Essex[ia]*. *Simon de Echingham*, Frater & hæres *Roberti de Echingham*, Fratris & hæredis *Willelmi de Echingham*, qui quidem *Robertus* debet Domino Regi rationabile relevium, de omnibus terris & tenementis, quæ dictus *Willelmus* tenuit in Capite, die quo obiit, de Domino *E* nuper Rege Angliæ, Patre Regis nunc, & pro quibus idem *Robertus* fecit homagium eidem Regi *E* patri, xxv^o die Julii anno regni sui xx^o sicut continetur in Originali de eodem anno, dat domino Regi x marcas, pro relevio dicti *Roberti*, pro Manerio de *Pekeden* in Comitatu *Suffex[ia]*, quod dictus *Willelmus* tenet in Capite de prædicto Rege *E* patre, per servitium duorum feodorum Militum *Moritonæ*, sicut idem *Simon* per *Philippum de Norwyco* attornatum suum modo recognovit

In or about the fourteenth year of K *Richard II*, it was found by an Escheatours enquest, that *John de Loudham* Chivaler held the Manour of *Walton* in *Derbyshire* of the King in *Capite*, as of the *Honor* of *Peverell*, by the service of Suit to Court, for all Services (*e*). Afterwards, in the eighteenth year of K *Richard II*, it was alleged in the Court of Exchequer, that *John de Loudham* held the Manor of *Walton* in *Derbyshire* of the King in *Capite*, as of the *Honor* of *Peverell*, by the service of one Knights Fee (*f*).

In

cognovit, & sicut continetur in quodam processu habito super oneratione relevii prædicti, alibi in hiis Memorandis inter Recorda de hoc Termino, ubi inter cætera annotatur, quod dictus Simon concessit, quod si imposterum compertum fuerit prædictum Manerium teneri de Rege per servitium duorum Magnorum feodorum, seu per majus servitium quam superius recognovit; se vel- le & debere onerari de relevio inde prout Curia &c. annotatur eciam ibidem, quod prædictus Willelmus tenuit alia tenementa de Rege, ut de Baronia de Hastyngs, quæ est Johannis de Britannia, in manu dicti Regis E patris tunc existente, de quorum relevii exactione ad opus Regis idem Simon recessit sine die, ob causam annotatam ibidem, & similiter, quod tenuit x acras terræ in Bedyngamme de Rege in Capite, ut de honore de Aquila in in manu Regis existente, per servitium unius sectæ Curiae ad Curiam de Tetenore de tribus septimanis in tres septimanas. Pro quibus x acris terræ idem Simon est ad judicium, qualiter debet onerari de relevio inde, sicut continetur ibidem.

Postea quia dictus Simon non solvit prædictas x marcas, præceptum est Vicecomiti Surr[eiæ] & Suffex[iæ], quod fieri faceret, Ita &c. in Crastino Sancti Hillarii. Ad quem diem Vicecomes non retornavit breve. Ideo sicut alias, Ita &c. a die purificationis beatæ Mariæ in xv dies.

Postea dictus Simon fecit finem cum Domino Rege per vi d, pro relevio suo de x acris terræ in Beddyngham supra- dictis, quæ quidem decem acræ tenen- tur per servitium unius sectæ Curiae, ad Curiam de Tetenore, de tribus sep- t[imanis] ad tres sept[imanas], sicut superius continetur; quæ quidem secta valet per annum vi d, prout patet per extentam inde factam, & annotatam in dictis Memorandis hujus anni, inter dicta Recorda de hoc Termino Sancti Michaelis. *Mich. Communia 7 Edw. 3. Rot. 4. inter Fines, &c.*

(*e*) De releviiis. Rex dilecto sibi Jo- hanni Fraunceys seniori, Escaetori suo in Comitatu Derbia salutem. Quia accepimus per Inquisitionem, quam per Thomam de Neuton nuper Escaetorem nostrum in Comitatu prædicto fieri fecimus, quod Johannes de Loudham Chi- valer defunctus tenuit, die quo obiit, in dominico suo, ut de feodo, Manerium de Walton cum pertinentiis in Comi- tatu prædicto de nobis in Capite, ut de Honore Peverelli, per servitium se- ctæ Curiae de tribus septimanis in tres septimanas, pro omnibus servitiis —. Teste Rege apud Westmonasterium xxvii die Aprilis. *Originale 14 Ric. 2. Rot. 10.*

(*f*) Derbia. Thomas Foliambe & Margareta uxor ejus & Isabella vene- runt: Et cognoscunt se tenere, & tam dictum Johannem de Loudham pa- trem, quam dictum Johannem de Loudham filium, tenuisse in dominico

B b b

suo,

In the eighteenth year of K *Richard II*, the Manor of *Longbernes* was holden of the King, as of the Lordship or Earldom of *Oxford* then being in the Kings hand (g).

In the twentieth year of K *Henry VI*, *William Ingowe* held a Mesuage of the King *in Capite*, as of the *Barony* of *Pryddowe* (h).

In the same twentieth year, *Marmaduke Conestable* Chivaler is said to have holden the Manour of *Flaynburgh* of the King, as of his *Honor* of *Chester*, by the service of the fifth part and the thirtieth part of one Knights Fee (i).

In the sixteenth year of K *Henry VIII*, *Thomas Burbage* confessed in the Court of Exchequer, that the Manor of *Cressebroke* alias *Thybadys* was holden of the King in *Socage*, as of his *Honor* of *Richemond*, by Fealty (k).

In

suo, ut de feodo, die quo obiit, Manerium prædictum [sc. de Walton] cum pertinentiis de Domino Rege in Capite, ut de Honore Peverelli, per servitium unius feodi Militis; juxta quod servitium offerunt Regi relevium —. *Mich. Fines*, 18 Ric. 2. Rot. 5. b.

(g) Effexia. — Quia dicit, quod Dominus Rex nunc postmodum per alias literas suas patentes de Magno Sigillo suo, datas apud Westmonasterium xi^o die Novembris, anno regni sui xv^o, commisit eidem Rogero [Mareschall Armigero], custodiam Manerii de Longebernes cum pertinentiis, quod prædictus Ricardus de Welde defunctus tenuit, die quo obiit, de Comite Oxoniæ per servitium Militare, & quod per mortem ejusdem Ricardi, & ratione forisfacturæ ipsius Comitis, in manu ejusdem Domini Regis extitit; Habendum *during the infancy of Elizabeth daughter and heir of Richard; Rendring xx marks* per annum. Et dicit, quod prædictus Ricardus Welde non habuit neque tenuit plura terras neque tementa in Comitatu Effexiæ, die quo obiit, quæ per mortem prædicti Ricardi, & ratione minoris ætatis hæredis ejusdem Ricardi, in manu dicti Domini Regis nunc extiterunt, quæ tenentur

de dicto Domino Rege nunc, ut de dicto dominio Com[itatus] Oxoniæ, in manu ejusdem Domini Regis existentis, præterquam dictum Manerium de Longebernes cum pertinentiis —. *This Tenure was also found as above by an Escheatours Inquisition. Hil. Communia*, 18 Ric. 2. Rot. 11. a.

(h) Northumbria. Willelmus Ingowe filius & hæres Thomæ Ingowe — cognovit se tenere & dictam Cristinam tenuisse, dicto die quo obiit, dictum Mesuagium —, de Domino Rege in Capite, ut de Baronia sua de Pryddowe, per fidelitatem & servitium unius denarii per annum, pro omnibus servitiis —. *Mich. Communia, inter Fines*, 20 Hen. 6. Rot. 2. a.

(i) Ebor[aciscira]. Thomas Cumberworth & Robertus Constable Armiger[i] venerunt —, & cognoscunt se modo tenere & prædictum Marmaducum [Conestable Chivaler] tenuisse, die quo obiit, dictum Manerium de Flaynburgh de Domino Rege, ut de Honore suo Cestriæ, per servitium quintæ partis & tricesimæ partis unius feodi Militis —. *Pas. Communia, inter Fines* 20 Hen. 6. Rot. 2. a.

(k) Hertford[scira]. Thomas Burbage filius & hæres propinquior Cecilæ

In the fifteenth year of Q *Elizabeth*, it was found by an Escheators Inquisition, that the Moiety of ten Mesuages, Burgages or Tenements in *Richmond* were holden of the said Queen, as of her *Castle of Richmond* by Knights service (l).

In the three and thirtieth year of Q *Elizabeth*, *William Willyscott* was distrained to do homage for certain Lands, which were holden of the said Queen, as of her Honour of *Clare*, by Knight-service (m).

In the three and thirtieth year of Q *Elizabeth*, certain lands or premisses in *Yorkshire* were found to be holden of the Queen, as of her Honour or Earldom of *Richmond*, by Knight-service (n).

In

ciliae Bedell viduæ jam defunctæ, ac nuper uxoris Willelmi Burbage similiter defuncti, districtus fuit essendi hic in octabis S Trinitatis hoc termino, ad respondendum Domino Regi nunc Henrico octavo de relevio suo, pro Manerio de Cressebroke alias Thybadys, and other lands.

He appeared, & cognoscit præfatos Robertum Shurton and and other Confeoffees, tenere dictum Manerium de Cressebroke alias Thybadys, cum pertinentiis in Comitatu prædicto de dicto Domino Rege, nunc in Socagio, ut de Honore suo Richemondia, per fidelitatem —. *He paid Relief according to this Confession.* Trin. Fines, 16 Hen. 8. Rot. 8. a.

(l) Ebor. Elizabeth[a] D g —, Escaetori suo in Comitatu Eboraci salutem. Cum per quandam Inquisitionem coram Fancisco Power Armigero, nuper Escaetore nostro in Comitatu prædicto, de mandato nostro post mortem Willelmi Pepper generosi captam, & in Cancellariam nostram retornatam, inter alia sit compertum, quod —, Et quod prædicta medietas decem mesuagiorum, burgagiorum, five tene-mentororum cum pertinentiis in Richmond —, and other parcels in Richmond prædicta, de nobis, ut de Castro nostro de Richemond per ser-

viciu Militare tenentur, Et quod prædictus Willelmus Pepper obiit *such a day* —. Trin. Communia, 15 Eliz. Rot. 5.

(m) Suffolcia. Memorandum, quod præceptum fuit Vicecomiti Comitatus Suffolcia, per breve Dominae Reginae —, quod distringeret Willelmum Willyscot —, ad faciendum eidem Reginae homagium, pro triginta acris terræ —, quæ tenentur de dicta Domina Regina, ut de Honore suo de Clare, per servitium quartæ partis unius feodi Militis —. Hil. Communia, 33 Eliz. Rot. 136. a.

(n) Ebor. Memorandum, quod præceptum est Vicecomiti Comitatus prædicti per breve Dominae Reginae hujus Scaccarii —, quod distringat Thomam Stillington tenentem Manerii de Leyfield —, ad faciendum Dominae Reginae nunc homagium & fidelitatem pro præmissis, quæ de Domina Regina tenentur, ut de Honore suo de Richmond per servitium Militare —; sicut continetur in Prima Parte Originalis de annis 2º & 3º Philippi & Mariae, Rotulo xlviii. Hil. Communia (scil. inter Fines) 33 Eliz. Rot. 255 a.

The Original here referred-to runs thus. Ebor. Rex & Regina Escaetori suo in Comitatu Eboraci salutem. *The Patent recites*, Quod prædictum Manerium

In the nineteenth year of K *James I*, Sir *Richard Beaumont* Knight, was distrained to do homage and fealty for the Rectory of *Sandhall*, which was holden of the King, as of the *Honour* of *Hampton-Court* (o).

In the same nineteenth year, *Thomas Metham* was distrained to do homage and fealty for the Manour of *Pollington*, and other Manours, which were holden of the King, as of his *Duchy* of *Lancaster* (p).

Although in several of the cases cited in this Chapter, the words *in Capite* are not expressed; manifestly, they are understood or meant. For when a man holdeth, to him and his heirs, of the King and his heirs, and is in the Kings immediate Homage, or (in other words) hold of the the King immediately, this is Tenancy *in Capite*: And the Tenant in those cases was as really and effectually the Kings Tenant *in Capite*, as if the words *in Capite* had been expressed.

I have spoken above concerning *Tenure in Capite* of the King, *ut de Honore* or *Baronia*. What I have there spoken is in general or *prima facie* to be understood of *Honors* or *Baronies* which were vested in the King by *Escheat*. I must here add, that the case was the same *mutatis mutandis* in relation to *Honors* and *Baronies* which were in the Kings hand by reason of *Wardship*. For we must remember, that in ancient time the King was deemed to

Ita MS.

nerium de Keyfeld de dicto nuper Rege ut de Comitatu suo Richemondia per servitium Militare, cæteraque Maneria, terras & tenementa cum pertinentiis de aliis, quam de præfato nuper Rege tenebantur —. *This is a patent Letter of Amoveas manus. Originale 2 & 3 Phil. & Mar. pars 1. Rot. 48.*

(o) Ebor. Memorandum quod præceptum est Vicecomiti Comitatus prædicti —, quod distringat Ricardum Beaumont Militem —, ad faciendum dicto Domino Regi nunc homagium & fidelitatem pro Rectoria & Ecclesia de Sandhall, Quæ de dicto Domino Rege tenetur ut de Honore suo de Hampton Court per servitium Mili-

tare —, sicut continetur in memorandis de anno decimo Regis nunc, Trinitatis Recordis, Rotulo. . *Trin. Communia 19 Jac. 1. Rot. 104. b.*

(p) Ebor. Memorandum, quod præceptum est Vicecomiti Comitatus prædicti, per breve Domini Regis nunc hujus Scaccarii —, quod distringat Thomam Metham —, ad faciendum Domino Regi nunc homagium & fidelitatem pro Manerio de Pollington, and other Manours, quæ de dicto Domino Rege tenentur, ut de Ducatu suo Lancastriae per servitium Militare —; sicut continetur in Memorandis de anno quarto Regis nunc Michaëlis Recordis, Rotulo. . *Trin. Communia 19 Jac. 1. Rot. 102. b.*

to be seised *pro tempore* of the Manors and Lands of his *Ward ut in dominio*; to wit, in like manner as he was seised of the Manors and Lands devolved to him by Escheat.

Bishopricks void.

THE same may be also said *mutatis mutandis* concerning vacant Bishopricks and Abbies of Royal Foundation. These the ancient Kings of *England* did also, *jure prærogativo*, hold *ut in dominico*, as in *demeane*, during the Voidance (q). But this Law or Custom hath been long since antiquated or altered.

In the reign of K *Richard II*, *John* Bishop of *Durham*, by his Patent Letter granted Licence to *Robert de Bynchestre*, to make a Fesment in fee of certain Manors holden of him (the Bishop) *in Capite* (r).

In Capite ut de Honore.

THE Honor of *Breghinowe* with the homages, services and pertinencies thereof came into the hand of K *John*, by the forfeiture of *William de Braiosa* Lord of it. *Philipson* of *Wastellion*, a Tenant in chivalrie of that Honor, made Homage to K *John* for his Tenancy, at the time when the Honor was in the hands of K *John*. Afterwards K *John* restored the said Honor, with the Homages, services and pertinencies, to *Giles de Breause*. After that restitution, *Philip* son of *Wastellion* and his heirs made their homage to *Giles de Breause* and his heirs, and not to the King. The case, as it was contested in the Kings Court, was this.

In the eighteenth year of K *Edward I*, *Madoc* son of *Mereduc*, nephew and one of the heirs of *Philip* son of *Meuric* deceased, who held of the King in chief; *Howel* son of *Leulin* nephew and another of the heirs of the said *Philip*; *Mereduc* son of *Richard* and *Gladusa* his wife, sister and third of the heirs of the said *Philip*; *Wernella* daughter of *Meuric*, sister and fourth of the heirs of the said

(q) *Hist. Excheq.*

(r) *Formulare Anglic. formula 570. p 323.*

saïd *Philip*, and *Leukina* daughter of *Meuric*, niece and fifth of the heirs of the saïd *Philip*, came before the King, and alleged [by their Petition], that the saïd *Philip* their ancestour held of K *Henry III*, the Land of *Donewaldeslond* in the Land of *Bergeveny*, by Knight-service, and dyed in the Homage of the present King. After *Philips* death, *John de Hasting* intruded into the saïd Land. They pray the King to seise the saïd Land into his hand, as that whereof he ought to have *primer seisine*; and *primer seisine* being so had, they pray he would restore the Land to the right heirs. They produce a Charter of K *John*, testifying that he gave the saïd Land to *Philip* son of *Wastellion* their Ancestour to be holden of the King and his heirs, by the service of the Fee of one Knight.

John de Hasting was Tenant in possession of the saïd Land, and being present in the Kings Court, he was asked, whether he could shew cause why the King should not have *primer seisine*; he saith, that he hath the saïd Fee as his purpart of the inheritance of *George de Cantelou*, which descended to him and *Milisent de Monte Alto*; and that he cannot answer without *Milisent*. She came upon fummonce; and answereth with the saïd *John*. They jointly say, that *William de Breuse* ancestour to them, and to *Humfrey de Bobun* Earl of *Hereford*, and to *Maud de Mortimer*, whose heirs they all are, dyed seised of the saïd Fee. And that after his death, the saïd Fee fell to them as their purpart. Wherefore they pray aid of their parceners. So *Maud* was summoned in *Herefordshire*, and *Humfrey* in *Gloucestershire*.

The saïd *Madoc* and others being asked how they can prove that Homage was done to K *Henry III*, do say, they will prove it by Knights and others who were present when the homage was done. *William de Inge*, who followed for the present King, averreth, that the saïd *Philip* was the kings homager, and that K *Henry III* died seised of the Homage of the saïd *Philip* ap *Meurik* for the saïd Land. And he saith, that the saïd *John* and *Milisent* had nothing in the saïd Tenements [or Lands] but by their Intrusion. He prayeth the Judgment of the Court, whether *Parcenarie*, *Process of Plea*, or *Essoin*, ought to take place upon the Kings *Primer seisine aver*. He saith also, that the saïd *Philip* did Homage to K *Henry III*, for the saïd Tenements, at
Worcester,

Worcester, the fourth day next after the Battel of *Evesham*. And this he is ready to prove by credible persons who were then present and saw the same.

And *John* and *Milisent* say, that the said *Philip* did not hold of K *Henry* III; and that K *Henry* III did not dye seised of the said Homage for the said Land.

And whether *Parcenarie*, process of plea, or *essoins*, ought to be allowed or not, before it is known whether the said K *Henry* died seised of the Homage of the said *Philip* for the said Tenements or not; the Court holden before the King is of Opinion, that in such case they ought to proceed by way of proof, by those who were present and saw [what was done]; especially, because Witnesses who are produced in this case, are looked-upon as Witnesses who are named in Charters, in which case, no man can be challenged either for enmity or friendship, according to the Law of the Realm used hitherto; and also because such Witnesses ought to swear to say the truth precisely, without Conscience [or, having regard to their own knowledge]; after the manner of the Grand Assise: And also, because the truth may better be made to appear by persons who saw and were present, than by the knowledge of the Countrey [to wit, of Jurors] who were not present. Wherefore it is ordered, that the litigants do proceed to their Proof; so that each witness be examined by himself. And accordingly, *Sir Hugh de Turbevill* Knight, being sworn and examined saith, that the said *Philip* did Homage to K *Henry* III, for the Land of *Donewaldestonde*, whereof the Charter of K *John* maketh mention, and he saw the said Homage done in the Priory at *Worcester*, in a Chamber below-stairs, as the King went out of the Chapel after Mass, on the Saturday next after the Battel of *Evesham*. And he saith, that *Robert Waleraund* encharter'd him by words of Homage, *cartavit eum per verba Homagii*; and that there were then present *Sir Roger de Clifford*, *Sir Hamon Le Estraunge*, *Roger de Leyburn*, the said *Robert Waleraund*, and several others whose names he doth not at present know. Being asked, what clothes the King had on at that time, or what clothes the said *Welshman* [*Philip* son of *Meuric*] had on, he saith, he doth not know. In like manner, several other Witnesses were examined about the Facts. Their re-
spective

spective Depositions are set-down at large, and may be seen here-under in the columns.

Afterwards, because it doth not yet fully appear, whether the Producing the said Charter, and the foresaid Depositions, do sufficiently operate to declare the Kings Right, the Court did, over and above, order *William de Inge* who followed for the King, to sue-forth a Writ or Writs to summon Jurours. So a Writ issued to the Sherif of *Herefordshire* to summon xxiiii, and a Writ issued to the Sherif of *Worcestershire*, to summon xxiiii Jurours; to certify the King concerning the said Homage. Whereupon, twelve Jurours, six out of *Herefordshire* and six out of *Worcestershire*, appeared in the Court holden before the King; namely, *Sir Simon de la Bere* Knight, *Sir Henry de Hereford* Knight, *Walter de Roubury*, *Thomas le Wafre*, *Thomas Wydye*, *Henry de Lude*; and *Simon de Crombe*, *Ralf de Littleton*, *John de Muscegros*, *Richard de Petbeley*, *William le Jovene*, and *Walter de Cateskull*. These Jurours say upon their oath, that the *Honor of Breghinowe*, with the homages, services, rents, and other pertinencies thereof, came into the hand of K *John*, and that *Philip* son of *Wastellion* did Homage to the said K *John* for the Land of *Donewaldestland*, at the time when the said *Honor* was in the hands of the said K *John*. They say, that the said K *John* restored the said *Honor*, with the said homages, as freely as he held the same to *Giles de Breause*, Ancestour of the said *John de Hasting* and *Milisent*. They say, that always after the said *Honor* was so restored, the said *John de Hasting* and his ancestours, were seised of the Homage of the said *Philip* son of *Meuric* and his ancestours', for the said Land of *Donewaldestland*. And they say, that upon Enquiry they cannot find, that *Philip* son of *Meuric*, or any of his ancestours, ever made Homage to K *Henry III*, for the said Land of *Donewaldestland*, after the reddition which K *John* made to the said *Giles*. And because it is found by the said Jury, that the said *John de Hasting* did not intrude into the said Land, the Court doth adjudge, that the said *John* and *Milisent* be dismissed from this Court without day; and that the said *Madoc* and the other heirs of the said *Philip* do take nothing by their Petition, but be amerced for their wrongful complaint; but the King is pleased to

pardon

pardon the said amercement; saving the right of the King and his heirs, when he or they shall hereafter pursue in this Plea; and saving the right of the said Heirs of *Philip* son of *Meuric*, when they shall hereafter pursue in this case (s).

In

(s) Wallia. Madocus filius Mereduci, Nepos & unus hæredum Philippi filii Meurici defuncti, qui de Rege tenuit in Capite; Howelus filius Leulini, Nepos & alter hæredum ejusdem Philippi, Mereducus filius Ricardi & Gladusa uxor ejus, soror & tertia hæredum ejusdem Philippi, Wernella filia Meurici, soror & quarta hæredum ejusdem Philippi; & Leukina filia Meurici, nepota & quinta hæredum ejusdem Philippi venerunt coram Rege, & dixerunt, quod prædictus Philippus, antecessor ipsorum, cujus hæredes ipsi sunt, tenuit de Domino H Rege Patre Regis nunc, terram de Donewaldeslond in terra de Bergeveny, per servitium Militare, & obiit in Homagio Regis nunc. Post cujus mortem Johannes de Hastig intrusit se in prædicta terra. Et pet[unt], quod Dominus Rex faciet seifire terram illam in manum suam, ut illam, cujus seifinam primam habere debet, & habita seifina illa, quod reddat eis terram illam rectis hæredibus. Et proferunt cartam J Regis, quæ testatur, quod prædictus Rex dedit prædictam terram Philippo filio Wastellionis antecessori suo, tenend[am] de ipso Rege & hæredibus suis, per servitium feodi unius Militis. Et quia Johannes de Hastig tenet prædictam terram, prædictus Johannes, qui præfens fuit in Curia Regis, Requis[itus], siquid sciret dicere, quare Dominus Rex primam seifinam habere non debeat, Dicit, quod habet feodum illud in partem hæreditatis, quæ fuit Georgii de Cantilupo, quæ ei descendebat & Milisenta de Monte Alto; & dicit, quod non potest sine prædicta Milisenta respondere. Quæ postmodum venit per sum[monitionem], &

respondet cum prædicto Johanne. Et dicunt, quod Willelmus de Breuf[e] antecessor ipsorum, & antecessor Humfridi de Bohun Comitis Herefordiæ, & Matill[idis] de Mortuo Mari, cujus hæredes ipsi omnes sunt, obiit seifitus de prædicto feodo. Post cujus mortem illud feodum cecidit in partem ipsorum; & petunt auxilium de participibus suis. Ideo sum[moneantur], quod sint a die Paschæ in tres septimanas ubicunque &c. ad respondendum simul cum eis, si voluerint. Et prædicta Matillis sum[moneatur] in Comitatu Herefordiæ, & prædictus Humfridus in Comitatu Gloucestriæ. Et prædictus Madocus & alii quæ[si]ti, qualiter possunt verificare Homagium factum Domino H Regi, dicunt, quod per Milites & alios qui præfentes fuerunt, quando factum fuit illud Homagium; ideo datus est eis idem dies. Ad quem diem, iidem Humfridus de Bohun & Matill[is] de Mortuo Mari fuerunt effonia-ti. Et super hoc Willelmus Inge, qui sequitur pro Rege, dicit, quod paratus est verificare sicut Curia Regis, &c. quod prædictus Philippus fuit Homo Regis, & quod Dominus H Rex obiit seifitus de Homagio prædicti Philippi ap Meurik, de terra prædicta. Et dicit, quod prædicti Johannes & Milisenta nichil habuerunt in prædictis tementis, nisi per intrusionem suam, &c. Et petit judicium, si parcenaria, processus placiti, seu effonium, locum habere debeat super prima seifina Regis habenda. Et dicit, quod prædictus Philippus fecit Homagium Domino H Regi, pro prædictis ten[ementis], apud Wigorniam, quarto die proximo post Bellum de Evesham. Et hoc pa-

D d d

ratus

In the thirtyfifth year of K *Edward I*, *Robert de Scales* held nine Fees and a half of the King *in Chief* as of the *Honor* of *Bouloigne*

ratus est probare & verificare per fide dignos qui tunc ibidem interfuerunt, & viderunt, prout Curia consideraverit &c.

Et Johannes & Milisenta dicunt, quod prædictus Philippus non tenuit de H Rege, nec idem H de prædicto Homagio obiit seifitus de prædicta terra &c.

Et quia utrum parcenaria, processus placiti, seu effonium, allocari debeat vel non, antequam sciatur utrum prædictus H Rex obiit seifitus de Homagio prædicti Philippi, de prædictis ten[ementis] vel non, Visum est Curiae, quod in tali casu procedi debet per modum probationis, per illos qui interfuerunt & viderunt, maxime cum testes nominati in isto casu accipiuntur loco testium in scriptis nominatorum; in quo casu nullus calumpniari potest nec pro inimicitia nec pro amicitia, secundum legem Regni hactenus usitatam; Et etiam quia hujusmodi testes jurare debent de veritate dicenda præcise, absque conscientia, ad modum Magnæ Assisæ; Et etiam quia veritas magis liquere potest per videntes & præsentis, quam per noticiam patriæ quæ non interfuit; Ideo procedatur ad probationem; Ita quod quilibet per se sit examinatus. Et Hugo de Turbevill Miles, Juratus & examinatus dicit, quod prædictus Philippus fecit Homagium Domino H Regi de terra de Donewaldeslond, unde carta J Regis facit mentionem; Et vidit apud Wigorniam in Prioratu, Homagium prædictum esse factum, in una bassa Camera, sicut Rex exivit de Capella post Missam, die Sabbati proxima post Bellum de Evesham. Et dicit, quod Robertus Waleraund cartavit eum per verba Homagii. Et erant ibi præsentis Dominus Rogerus de Clif-

ford, Dominus Hamo Le Estraunge, Rogerus de Leyburn, & prædictus Robertus Waleraund, & plures alii, de quorum nominibus ignorat ad præsens. Requis[itus], qua veste Rex indutus erat, vel qua veste ille Wallens[is], Ignorat. Thomas de Turbevill Miles, Juratus & examinatus dicit, & in omnibus concordat cum Hugone de Turbevill, de Homagio, anno die & loco, & cæteris articulis; Hoc adjecto, quod vidit plures Wallenses venire cum prædicto Philippo, quorum nomina ignorat; & quod vidit prædictum Hugonem fratrem suum ibidem. Et Wilhelmus de Seyncler Miles, Juratus & examinatus dicit, quod vidit & interfuit; & in omnibus concordat cum prædictis Hugone & Thoma; Hoc adjecto, quod dicit, quod idem Wallensis monstravit Regi quamdam cartam, per quam tenebatur facere domino Regi Homagium de terra prædicta. Dicit etiam, quod interfuerunt omnes prædicti Milites, & etiam Philippus le Bret, & Howell ap Meurick, qui venerunt cum prædicto Wallensi; Et adjecto etiam quod dicit, quod post Homagium factum hospitati fuerunt prædicti Philippus & Howell, & similiter prædictus Wallensis, secum ad domum suam de Cowerne &c. Et Wilhelmus Devereus Miles, Juratus & examinatus dicit, quod non vidit neque interfuit, quando Homagium prædictum factum fuit, eo quod fuit in prisona, set bene audivit de Domino Rogero de Clifford, Hugone de Turbevill, & Ricardo de Bosco, qui ei narraverunt, quod fecit Homagium Domino Regi modo prædicto, apud Wigorniam, prædictis die & anno, de ten[ementis] prædictis. Et Philippus de Madleston Miles, Juratus & examinatus dicit, quod bene scit, quod prædictum Homagium

Bouloigne then being in the Kings hand, and one half of a Fee of the King *in Chief* [as of his Crown]. In this case it seemeth, that

magium fuit factum Regi, set illud non vidit neque interfuit. Requis[itus] qualiter scit, Dicit quod contentio fuit inter Homines prædicti Wallensis & Homines Pagani de Chawrth, cui Dominus Rex custodiam Honoris de Bergeveny dederat, tenend[am] ad terminum quinque annorum, Ita quod ipse Wallensis venit pro pace habenda venit ad Castrum de Bervegeny, & dedit ei unum Leporarium, perfic quod faceret negotium suum prædicto Pagano Domino suo, cujus armiger fuit. Et ibidem in Castro illo monstravit cartam suam de terra prædicta, quam tenuit de Domino Rege; Et dixit, quod fuit Homo Regis, & in plena Curia monstravit cartam prædictam, per quam tenebatur Regi in Homagio; per quod prædictus Paganus districtiorem, quam super eum prius fecit, remisit, tanquam homini Regis. Dicit etiam, quod Dominus Johannes de Hastig nuper tempore istius Regis cepit ipsum Wallensem. Qui quidem Wallensis mandavit Domino Regi pro deliberatione sua, tanquam Homo Domini Regis. Et super hoc, quia fuit Homo Regis deliberatus fuit per præceptum Regis. Et fuerunt nuncii de illa deliberatione, Ricardus de Bosco & Walterus Hakkelitle. De aliis articulis satis concordat, ut de auditu & fama patriæ. Et Willelmus de Timberlak, Juratus & examinatus dicit, quod fuit in villa Wigornia cum Hugone de Turbervill Domino suo, de quo audivit quod prædictus Wallensis fecit Homagium; set ipse non interfuit. Audivit etiam de ore prædicti Wallensis, qui dixit ei, quod fecit Homagium Domino Regi pro terra prædicta. Et de captione & deliberatione prædicti Wallensis facta per J de Hastig, concordat cum prædicto Philip-

po & cum aliis in substantia. Et Petrus Clericus de terra de Breghinnok, Juratus & Examinatus dicit, quod fuit cum Roberto de Turbervill in Villa Wygornia. Et dicit, quod vidit & interfuit; & concordat in omnibus cum prædicto Hugone de Turbervill. Et Nicolaus de Chiltham de Comitatu Herefordiæ, dicit, quod non vidit neque interfuit, nec scivit, neque aliquid audivit, nisi infra istos duos annos proximo sequentes, & hoc de ore Rogeri Extranei & Ricardi de Bosco. Et Johannes Bras de Comitatu Herefordiæ & de ætate xl annorum, Juratus & examinatus dicit, quod non interfuit nec vidit, set audivit de patre suo, & Awnculo suo, & aliis, qui fuerunt ad bellum de Evesham, Homagium prædictum factum fuisse, in prædicto Prioratu, prædictis die & anno. Et requis[itus] qualiter venit hic, dicit, quod per Dominum Bogonem de Clare. Et Arnaldus de Sancta Brigida de Comitatu Pennebrok, ætatis xlv annorum, Juratus & examinatus dicit, quod Juor ap Gronogh & ipse fuerunt Socii in Castro de Drossan, Et sæpius locuti fuerunt de prædicto Wallen[si] Domino ipsius Juoris, quod prædictus Wallensis fuit Homo Regis de terra in prædicta carta contenta, & Homo J de Hastig tantum de tribus bovatis terræ, set non fuit neque interfuit Homagio prædicto. Et Johannes de Brokenhale de Comitatu Herefordiæ, & de ætate xxxvi annorum, Juratus & examinatus dicit, quod non interfuit nec vidit, set dicit, quod Ranulphus pater suus, qui fuit cum Rege in Bello de Evesham, narravit ei, quod prædictus Wallensis fecit Homagium Domino Regi prædictis die anno & loco; Et illud idem audivit de Juor senescallo ipsius Wallensis. Et

Rogerus

that *Robert de Scales* or his Ancestour was not feoffed by ancient Feofment to hold in Baronial Homage, that is, by Barony. Therefore,

Rogerus Freman, de Comitatu Herefordiæ, ætate xxxvi annorum, Juratus & examinatus dicit, quod Willelmus Freman pater suus, qui fuit Constabularius Castri Herefordiæ, fuit in villa Wygornia, veniendo de Bello de Evesham, & narravit ei de Homagio prædicto, & concordat de substantia de dicto patris sui, hoc adjecto, quod fuit in gwerra Walliæ, & hoc audivit de Wallensi & aliis fociis suis. Et Walterus Bras de Comitatu Herefordiæ, ætatis xxx annorum, Juratus & examinatus dicit, quod non interfuit neque vidit, set audivit de Rogero de Clifford, cum quo stetit in servicio, quod fecit Homagium Domino Regi de terra prædicta, & hoc infra quatuor annos proximo præteritos; Et similiter audivit de Rogero le Estrange. Et Willelmus de la Roche de Westwallia, ætatis xxx annorum, Juratus & examinatus, dicit, quod non interfuit neque vidit, set audivit de patre uxoris suæ, qui fuit ad Bellum de Evesham, & similiter de patre suo, quod Homagium prædictum factum fuit. Et in substantia concordat cum aliis de auditu. Et Willelmus Seym de Comitatu Herefordiæ, ætatis xxx annorum, Juratus & examinatus, dicit, quod non interfuit neque vidit, set dicit, quod pater suus est de terra de Netherwent prope terram prædicti Wallensis, & ipse similiter; Et quod audivit de parentibus suis, qui sunt vicini, quod prædictus Wallensis fecit Homagium Regi de terra, &c. Et quod tota patria dixit in inicio litis, quod si placitum fuit per breve Regis in patria, quod Dominus Rex haberet custodiam, & homagium hæredis prædicti Wallensis; Et hæc fama regnavit per patriam. Dicit etiam, quod dictum est per patriam, quod quia

Magister H de Bray Escaetor Regis, ratione cujus Johannes de Hastings, fratri ipsius Henrici dedit xl acras terræ Wallen[sis], per sic quod terra ipsius Wallen[sis] non caperetur in manum Regis. Et concordat de captione & liberatione prædicti J de Hastings, cum prædicto Philippo de Matlesden. Et Henricus Seym de Comitatu Herefordiæ, qui est ætatis circa xxx ann[orum], Juratus & examinatus, dicit, quod non interfuit nec vidit, set audivit de Domino Hugone de Turbevill & aliis, quod hoc est vulgare in patria. Et concordat cum aliis, qui sciunt per auditum & famam patriæ. Et Johannes de Evereus de Comitatu Herefordiæ, ætatis xl annorum, Juratus & examinatus, dicit, quod ipse Wallensis, & pater suus fuerunt parentes; Et ipse venit sæpius cum patre in domo prædicti Wallensis, & audivit ibidem & alibi, quod fecit Homagium Domino Regi pro terra prædicta. Dicit tamen, quod idem Wallensis tenuit de Johanne de Hastings, quasdam terras in Wallia, scilicet tres bovatas terræ. Dicit, etiam quod bene intelligit, quod prædictus Wallensis tenuit de Domino Rege &c. quia dicit, quod antecessores illius Wallensis aliquo tempore forisfecerunt prædictas terras suas in Wallia. Et Dominus J Rex postea reseoffavit eum de dicta terra, de eo tenend[a] per Homagium &c. sicut carta loquitur. Et concordat de captione J de Hastings, & deliberatione, cum prædicto Philippo &c.

Postea, quia adhuc nescitur utrum ostensio prædictæ Cartæ, & probatio prædicta satis operantur ad jus ipsius Regis declarand[um], ex habundanti dictum est Willelmo Inge, qui sequitur pro Rege, quod sequatur breve ad faci-

fore, he held these ten Fees in Chivalerian Homage, that is, by Knight-service onely (t).

Thus

ciend[um] venire patriam, in octabis S Trinitatis ubicumque, &c. Ideo præceptum est Vicecomiti Herefordiæ, quod faciat venire xxiiii^{or}, & similiter Vicecomiti Wygornia, quod faciat venire xxiiii^{or}, ad prædictum diem, per quos, &c. Et qui nec, &c. ad certificandum Regem de Homagio prædicto, &c.

Postea a die S Michaelis in tres septimanas, anno regni Regis nunc decimo octavo, venerunt Simon de la Bere Miles, Henricus de Hereford Miles, Walterus de Roubury, Thomas la Wafre, Thomas Wydye, Henricus de Lude, de Comitatu Herefordiæ, & Simon de Crombe, Radulphus de Littleton, Johannes de Muscegros, Ricardus de Petheleg[a], Willelmus le Joven[e], & Walterus de Cateshull de Comitatu Wygornia, xii Jur[atores]; Qui dicunt super sacramentum suum, quod Honor de Breghinowe, cum homagiis, serviciis, redditibus & aliis pertinentiis suis, devenit in manum Domini J Regis, avi Domini Regis nunc; Et quod Philippus filius Wastellionis fecit Homagium prædicto Domino J Regi, pro terra de Donewaldesland, tempore, quo dictus Honor fuit in manibus prædicti J Regis. Et dicunt, quod prædictus J Rex, Honorem prædictum cum homagiis prædictis, adeo libere, sicut & eum tenuit, reddidit cuidam Egidio de Breause, antecessori prædictorum Johannis, & Milisenta. Et dicunt, quod semper post redditionem prædictam, prædictus J de Hastings, & antecessores sui fuerunt in seifina de Homagio prædicti Philippi filii Meurici, & antecessorum suorum, pro prædicta terra de Donewaldesland. Et dicunt quod non possunt inquirere, quod Philippus filius Meurici, nec aliquis antecessorum suorum,

unquam fecit Homagium Domino H Regi, patri Regis nunc, pro prædicta terra de Donewaldesland, post redditionem (*it is written so in the Roll*) quam prædictus Dominus J Rex fecit prædicto Egidio. Et quia convictum est per prædictam Jur[atam], quod prædictus Johannes de Hastings, non se intrusit in terram prædictam, Conf[ideratum] est, quod prædicti Johannes & Milisenta ad præsens eant inde sine die. Et prædictus Maddocus & alii hæredes prædicti Philippi nichil capiant per petitionem suam, set sint in misericordia pro falso clamore suo; Set misericordia perdonatur per Dominum Regem; Salvo jure Domini Regis & hæredum suorum, cum alias inde loqui voluerint; & salvo jure prædictorum hæredum prædicti Philippi, cum alias, &c. *Hil. Plac. coram Rege. 18 Edw. 1. Rot. 41. a.*

(t) Norf. Suff. Essex. Hertf. De Relevio. Robertus de Scales filius, & hæres Roberti de Scales defuncti, dat Domino Regi 1/, pro relevio suo, de omnibus terris & tenementis, quæ dictus defunctus tenuit de Rege in Capite, die quo obiit, videlicet, de decem feodis Militum, unde unum feodum Militis, & dimidium sunt in Neweseles, & Berkweye in Comitatu Hertf[ordia], dimidium feodum Militis in parva Laufare in Comitatu Essexia, duo feoda Militum in Ereswell in Comitatu Suffolcia, unum feodum Militis, & dimidium, in Rewenhale in Comitatu Essexia, tria feoda Militum in Hoo, Iselington, Middleton, & Reynham in Comitatu Norf[olcia], unum feodum Militis in Wetherden in Comitatu Suff[olcia]; quæ quidem feoda tenentur de Rege in Capite, ut de honore Bononia in manu Regis existente; & dimidium feodum Militis

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Thus there was a considerable difference in this respect between Tenancy *ut de Corona* and Tenancy *ut de Honore*. This difference was grounded on the ancient Law and Custome of the Realm: And is mentioned and approved by the great Charters of K K *John* and *Henry III*. The Clause in the great Charter of K *John* runs

Great Char-
tres of K K
John & H 3.

thus, "If a man holdeth of any Escheat as of the *Honor of Walingford, Notingham, Boloigne, Lancaster*, or other Escheats which are in our hand, and are Baronies, and dyeth, his heir shall not give us any other Relief, or do to us any other service than he should pay or do to the Baron, if the Barony was in the Barons hand, and we will hold it [the said Escheat] in the same manner as the Baron held it (u)". The Clause in the great Charter of K *Henry III* runs thus, "If a man holdeth of any Escheat, for example of the *Honor of Walingford, Boloigne, Notingham, Lancaster*, or any other Escheats which are in our hand, provided they are Baronies, and dyeth, his heir shall not give us any other Relief, nor do to us any other Service, than he should do to the Barony, if the Escheat was in the hand of the Baron. And we will hold such Escheat in the same manner as the Baron held it (x).

There might be other differences which I do not at present recollect, between a Tenant *in Capite* holding by Chivalry *ut de Corona*, and one so holding *ut de Honore*.

But

in Haselingfeld in Comitatu Cant[abrigiæ], quod tenetur de Rege in Capite; sicut recognovit. *Trin. Fines*, 35 *Edw. I. Rot. 65. a.*

(u) Si quis tenuerit de aliqua escaëta, sicut de Honore Walingford[iæ], Notingeh[amiæ], Bolon[iæ], Lanc[astriæ], vel de aliis escaëtis, quæ sunt in manu nostra, & sunt Baronie, & obierit, hæres ejus non det aliud relevium, nec faciat nobis aliud servitium, quam faceret Baroni, si Baronia illa esset in manu Baronis; & nos eodem modo eam tenebimus, quo Baro eam tenuit. *Ex Magna Charta Regis Joh. autographa, quæ est in Bibl. Cott. Augustus 11, ad p 104.*

(x) Si quis tenuerit de aliqua esca-

ëta, sicut de Honore Walingfordiæ, Boloniæ, Nottinghamiæ, Lancastriæ, vel aliis escaëtis, quæ sunt in manu nostra, & sint Baronie, & obierit, hæres ejus non det aliud relevium, nec faciat nobis aliud servitium, quam faceret Baroni, si illa esset in manu Baronis; & nos eodem modo eam tenebimus, quo Baro eam tenuit; nec nos occasione talis Baronie vel Escaëtæ, habebimus aliquam escaëtam vel custodiam aliquorum nostrorum hominum, nisi de nobis alibi tenuerit in Capite ille qui tenuerit Baroniam vel Escaëtam. *Magna Charta Regis Hen. III, data 11^o Febr. anno regni nono, Inspecta & confirmata ab Edw. I. Hanc clausulam desumsi ex Diplomate*

But if a *Fee* holden of the Crown *in Capite* escheated to the King, and was not an *Honor* or Barony, then such *Fee* did not (that is to say, I think it did not) vest in the Crown in the same plight as it was vested in the late Tenant *in Capite*.

The Lord Marleburghs Position weighed.

IN the Year 1642. a small Posthumous Treatise in *duodecimo* was published in the name of James Earl of Marleburgh late Lord-Treasurer of *England*. In that Treatise the Author saith, “Tenure *in Capite* by Knights service is, properly, where lands “are holden of the person of the King and of his Crowne, as of “a feigniorie itself in grosse; and chiefe above all feigniories; “Improperly of him as of some ancient Honour annexed to the “Crowne, as *Barkhamstead, Boloigne, Raleigh, Albemarle, &c.* “And this description is understood as well of Knights service, “as Soccage *in capite* (y).

Here My Lord Marleburgh would have spoken right, if he had said, Tenure *in Capite* by Knights Service is, Primarily, where lands holden of the King *ut de Corona, as of his Crown*; Secondly, where lands are holden of him as of some ancient Honour annexed to his Crown. But I am not afraid to say, that My Lord Marleburgh is wrong in supposing that the Later is improperly called Tenure *in Capite*. For in the ancient times when men understood Tenures best, and spoke most accurately about them, they constantly called Tenure of the King *ut de Honore, Baroniam, Castro*, a Tenure *in Capite*. They called it Tenure *in Capite* from age to age, for four or five hundred years together, as appeareth from the instances produced above in this chapter. And it is very likely they did not speak improperly for so many ages together.

As to what the Learned Author just above cited saith in a paragraph hereunder referred-to (z); That paragraph seemeth to be so complicated and confused, that I must not offer to reduce

mate autographo Regis E I, quod extat in archivo Ecclesiæ Colleg. S Petri Westmonasterii.

(y) *A Treatise concerning Wards and Liveries*, p 9.

(z) The paragraph beginneth, Tenures for the most part, and endeth, of a common person. *Treatise concerning Wards and Liveries*, p 8.

or rectify it. There are several other things in that little Treatise which I choose to pass-over in silence.

For the Tenure *ut de Corona* was the Primary Tenure *in Capite*. So that when a man is said in general terms to hold of the King *in Capite*, it was understood that he held of the King *ut de Corona*, unless it was expressed to be otherwise, that is unless it was added, that he held of the King *in Capite, ut de Honore, Baroniam, Castro*.

But it seemeth plain, that both the former and the later are Properly called *Tenure in Capite*: that is to say, the Former is Principal or Primary *Tenure in Capite*, the Later less-principal or Secondary.

Montmirail.

WHAT hath been said in the foregoing part of this Disquisition may be applied to the Case relating to the Barony or Seignury of *Montmirail* in *France*; which Case was argued in the *Council of State* at *Paris* in the year 1668 (a). In the arguments upon that Case several things are hinted which afford matter for a great deal of discourse. Amongst other things it was said by the Counsel at Bar, that to hold of the great Tower of *Louvre* was the same in meaning, as to hold of the Crown of *France*. They speak thus. "The terms, of the great
" Tower or Castle of *Louvre*, and, of the Crown of *France*, are
" synonymous. So that the Mouvance of the Seignury of *Mont-*
" *mirail* having been assigned to the great Tower of *Louvre*, the
" said Seignury hath been made a Fee moving barely from the
" Crown. And again. The terms, of the Castle of *Louvre*, of
" the Crown, and, of the great Tower of *Louvre*, are synony-
" mous, that is to say, that every Fee the mouvance whereof is
" assigned to the great Tower of *Louvre* doth relieve immedi-
" ately of the Crown; and reciprocally, that those Fees which
" are holden *sine medio* of the Crown, have the Castle or great
" Tower of *Louvre* for the Chief-place of their Mouvance (b).

But

(a) *Journal du Palais*, Tom. 1. p. 38 & seqq. Printed at Paris A D 1713.

(b) Ces termes, grosse Tour de Louvre, Chasteau de Louvre, & Couronne, sont synonymes, & par consequent la mouvance

But let this matter be considered. If I do not mistake, the state of the Fact in relation to the Tower or Castle of the *Louvre* was this. *Hugh Capet* the younger was Earl of *Paris* and Constable of *France*. As Earl of *Paris* he was seized of the *Honor* or *Comté* of *Paris*. Of this Land-Honor or great Barony of *Paris* the Castle or Tower of the *Louvre* was the *Head*, the *Capital Seat*, or *Caput Honoris*.

He held the *Comté* of *Paris* of the Crown of *France*, immediately, *sans moyenne*, in *Baronial Homage*. Being thus seized of the *Comté* of *Paris*, he mounted the Throne of *France*. By his accession to the Throne, the *Comté* of *Paris* was reunited to the Crown of *France*; and continueth so united to this day.

This was the case in point of Fact. Hereupon it may be said, if the Fief of *Montmirail* was *ab antiquo* holden of the King of *France ut de Corona*, or, in other Words relieved of the King as of the Original Demeane or Inheritance of the Crown, then it was not originally holden of the King as of the Castle of *Louvre*. For the Castle or Tower of the *Louvre*, or the *Comté de Paris*, were not compleatly vested in the Crown of *France*, in *Seigneurage*, *Domaine*, and *Service*, till *Hugh Capet* obtained seifine of the Throne.

If the Fief of *Montmirail* was holden of the Earl of *Paris* in ancient time, before *Hugh Capets* accession to the Throne, then by and after the reunion of the *Comté* of *Paris* to the Crown, this Seignury came to be holden of the King of *France*, not *ut de Corona*, but (as we speak in *England*) *ut de Honore*, to wit as of the *Honour* or *Comté* of *Paris*, or *par occasion du Compté de Paris*, or, in other words which bear the same meaning, *ut de Castro Luparæ*, as of the Castle or *Tour* of the *Louvre*.

For illustration, let the case of the *Comté* of *Paris* in *France* be

mouvance de la Baronnie de Montmirail, ayant esté assignée a la grosse Tour de Louvre, cette Terre a esté faite un fief mouvant nuëment de la Couronne. *Journal du Palais* Tom. 1. col. 2. p 67.

— Les termes, du Chasteau du Louvre, Couronne, grosse Tour du Louvre, sont synonymes, c'est a dire,

que tout fief, dont la mouvance est assignée a la grosse Tour du Louvre releve immediatement de la Couronne, & que reciproquement ceux, qui sont tenus sans moyen de la Couronne, ont pour chef-lieu de leur mouvance superieure le Chasteau ou la grosse Tour du Louvre. *Ibid.* p 69. col. 1.

be compared with the case of the *Honor of Gloucester* in *England*.

K *Henry II* was seised of the *Honor of Gloucester* in right of his Crown, as his Escheat (c). He died so seised. Upon his death the said *Honour* descended, together with the Crown of *England*, to K *Richard I*, his Son and Heir. K *Richard I*, being seised of the said *Honour* in Fee, feft his Brother *John* Earl of *Moreton* thereof in Fee (d). By that Fefment, Earl *John* was seised of the said *Honor* in Fee, and held it of K *Richard I*, by Baronial Homage and Service. In the reign of the same K *Richard I*, Earl *John*, by Judgment of the *King's Court*, was disseised of all his Lands in *England* (e). But by mediation of *Alienore* the Queen Dowager, Mother of K *Richard I* and of Earl *John*, K *Richard* was reconciled to his Brother *John* (f). Afterwards, Earl *John's* Honors and Manors were restored to him by K *Richard*; whereby he the said Earl *John* became resealed of them as in his former estate. Thus Earl *John*, at the time of the Death of K *Richard I*, was seised of the *Honor of Gloucester* in Fee, holden in Baronial Homage. And he being so seised, the Crown of *England*, upon the Death of K *Richard I*, descended to the said *John* Earl of *Moreton*, as K *Richard's* Brother and heir. By this Descent of the Crown, the *Honor of Gloucester* was reunited to the Crown, and vested in it as an *Honor*. By that Reunion K *John* was seised of the *Honor of Gloucester* in Pure Seignourage and in Demeane. His Baronial Homage ceased. The Seignourage and Demeane of the *Honor* remained united to the Crown. But the Baronial Service was extinguished. For it would be absurd and repugnant to say or suppose that the Sovereign, K *John*, could do the Service incumbent upon the Earl of *Gloucester* deceased, or that he could

(c) *Firma Burgi*, cap. 1. sect. 6; ex *Mag. Rot.* 31 *Hen.* 2.

(d) *Honor Comitis Gloëc[estriæ]*. Idem [viz. *Hugo Bardolf*] reddit compotum de — —, de firmis Maneriorum ejusdem Honoris, de tribus partibus anni, antequam Rex daret eundem Honorem *Johanni* fratri suo. *Mag. Rot.* 1 *Ric.* 1. *Rot.* 1. a. *Hovedeni Annales*, pars poster. p 655 nu. 40.

(e) *Hovedeni Annales*, Pars poster. p 735, nu. 30 & p 737, nu. 1.

(f) Interim *Johannes* frater Regis, Comes *Moretonii* rediit ad Regem fratrem suum; & mediante *Alienor* Regina matre eorum, facti sunt amici, Rex & ille; sed Rex nullum castellum neque terram aliquam ei reddere voluit. *Hoved. Annales*, pars poster. p 740 nu. 10.

could do Service to himself. For this reason, I say, the Baronial Service was extinguished in the Person of K *John*. Nevertheless, all the Chevalerian Tenants of the *Honor* straitway held their respective Fees of K *John*, in *Capite ut de Honore Gloucestræ, in chief as of the Honor of Gloucester*.

It is to be remembred, that when K *John* was thus seised of the Crown and of the *Honor of Gloucester*, the *Honor* was not immerged in the Crown. It rested in the Crown Distinct, in such manner and plight as an *Honor* or Barony was wont to rest. For though K *John* took his first seisin of it by Fesment, as hath been said above; yet in regard it was in its nature an *Honor*; when it became united to the Crown, it remained vested in K *John* in like manner as the *Honors of Walingford, Lancaster*, and other *Honors* were vested. If it had been a Single Knights Fee or a Manour in Demeane, it would have been merged in the Crown. But the Law and Custome of *England* was otherwise in relation to Baronies, as hath been before observed.

This case of the *Honor of Gloucester* in *England* seemeth to be the same in substance with the case of the *Honor or Comté of Paris* in *France*; and wanteth as I apprehend, no further explanation.

On the other part. If the Fief of *Montmirail* was not *ab antiquo* holden of the Earl of *Paris* for the time being, or (in other words) did not relieve of the *Honor or Comté of Paris*, then, I do humbly apprehend it was not natural and suitable to ancient practice to limit or annex the Tenure of it to the Castle or Tour of the *Louvre*. Nevertheless, if the Fief of *Montmirail* was part of the Ancient Domaine, Ancient or Modern Escheat or Purchase of the King of *France*, then, if King *Louis XIV* thought fit to erect it *de novo* into a Barony, He might limit the Tenure of it in such manner as he pleased, namely, to hold of the King and his heirs in general terms, or of the King and his heirs as of the Tour of the *Louvre*.

In the Arguments upon this case, *Montmirail* is styled a Barony. But it must be remembred, that if it relieved immediately of the Earl of *Paris*, it was but nominally a Barony; for it could not be properly a Barony, unless it relieved immediately of the Crown.

One

One thing more may be remembred. When we say a man holdeth of a Castle or Tower, it is to be understood, that we use those terms for brevity's sake. For properly a Tenant or Feudatary cannot hold of a Tower or any other inanimate thing. For in all Holding there is Lord and Tenant. A Castle or Tower cannot be a Lord; nor can a Tenant do Homage to a Tower, and say, *I become your man*, &c. So that when we say, a man holdeth of a Tower or Castle, it is meant both in *England* and in *France*, that he holdeth of the King as of such Tower or Castle [then being in the Kings seifine], or, that he holdeth of such a Baron, in whose seifine or whole Baronial Seat such Tower or Castle is. In like manner, if we say that a man holdeth of the *Crown*, it is a common and well-known *Metonymy*, signifying that he holdeth of the King for the time being, or, of the King in perpetual Succession.

I ask pardon of the learned *Antecessours* and *Jurists* of *France*, for having spoken so freely upon this subject. I am sensible it is easy for an *Englishman* to mistake, when he writeth about the Laws or Customes of *France*; and for a *Frenchman*, when he writeth about the Laws or Customes of *Great Britain*. But in regard there was (if I have observed right) in former ages, a great agreement between the feudal customes of *England* and those of *France* in relation to Baronage, I have ventured to speak the more copiously upon this case of *Montmirail*.

In the next foregoing Sections I have endeavoured to shew what *Tenure in Capite* was. And in the progress of my discourse I have explained and illustrated that Tenure, in such a manner as was never done before, for ought that I know. All that I had read in Books about *Tenure in Capite*, served rather to puzzle than instruct or explain. However, in studying the *Records*, I found several presidents, which seemed to give some light; especially the cases of *Robert de Bracy*, *Baldewin de Frivill*, and *John de Craft*.

Robert de Bracy held land of *William de Bracy in Capite*, *William de Bracy* of *William de Beauchamp*, and *William de Beauchamp* of the Bishop of *Worcester in Capite* (g). In the thirty-eighth

(g) *Hist. Exch.* p 415. col. 2. c.

eighth year of K *Henry III*, *Baldewin de Frivill* alleged, that he did not hold *in Capite* of the King, but of *Alexander de Abetot*, and *Alexander* of *William de Beauchamp*, and *William* of the Bishop of *Worcester*, and the Bishop of the King *in Capite* (b). In the twentyseventh year of K *Henry III*, it is said in a Record, that *John Craft* was not the Kings Bailif *in Capite*, *immediate Bailif*, but put into that office by *Almarac de St Amand* Sherif of *Herefordshire* (i). In the two and twentieth year of K *Henry III*, the Sherif of *Essex* and *Hertfordshire* was commanded by the Kings writ, to enter into certain Free hundreds in his bailywick, and distrain *in Capite*, that is, immediately, or by his own hand, without making any precept to the bailifs of those hundreds, to empower them to distrain (k). At length the case of *Robert de Tudenham* and *Eve* his wife occurred to me. From thence I first received Light or distinct knowledge upon this subject. In that Case *William de Ereswell* pleadeth, "that the Manour of *Ereswell* was holden of the King *in Capite* as of the *Honor of Boloigne*, and that several persons successively one after another held the same of the King *in Capite*, and successively dyed in the Kings Homage, &c. Wherefore he saith, that the said Manour is holden of the King *immediately*". That Case is published at large in my *History of the Exchequer* (l). From this Case it appeareth plainly, that to hold *in Capite* and to hold *immediately* were synonymous. I took this Hint. And several times afterwards I brought it to the Touchstone; always with satisfaction.

Fœda adspectant Regem.

ALL Knights fees looked towards the Sovereign, that is, the King. If they were holden at a great distance from the Sovereign,

(b) Mandatum est Vicecomiti Wygornia, quod si Baldewinus de Frivill, non teneat de Rege in Capite, set de Alexandro de Abetot, & Alexander de Willelmo de Bello Campo, & Willelmus de Episcopo Wygorn[ensi], & Episcopus de Rege in Capite, ut idem Baldewinus dicit: Tunc de di-

strictione, quam eidem Baldewino facit pro Auxilio ad Filium Regis Militem faciendum pacem, &c; Et averia aut catalla &c. *Memoranda* 38 *Hen. 3. Rot. 13. b.*

(i) *Hist. Exch. p. 658. z.*

(k) *Hist. Exch. p. 433. d.*

(l) *Hist. Exch. p. 434.*

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Sovereign, they had a tendency to him. For Tenancy in Chivalry was originally created by him, and Chivalerian Service was to be performed to him, either mediately or immediately, [to wit, either in his Army or in his Castles]. For instance. When the Knight-service was performed in the Kings Army or in his Castle by one of the Kings immediate Tenants: Then, no doubt, it was performed to the King. So also, when the Knight-service was performed in the Kings Army by a Knight who held of some Baron: Then, it might also be said to be performed to the King, as it was performed or done by a Knight who relieved of a Baron, which Baron relieved immediately of the King, and was answerable to the King for that Service, and in fact performed that Service to the King, by the said Knight. In like manner, when Knight-service was done in the Castle of a Lord or Baron; then it was also done to the King mediately; it being done to a Baron who relieved of the King, and who was answerable to him for that quantity of Service.

Retrofeudi, Arrierfiefs.

IN digesting or placing of Feudal Tenancies, there seemeth to have been an allusion to the method then used in *Ranking* of Soldiers, under their *General* and his Subaltern Officers. For example. There were Fees holden *in Capite* of the King; and likewise Fees holden of the Person holding of the King *in Capite*; and also Fees holden of such Person who perchance feoffed others under him, and so onward. These Fees holden at a great distance from the chief Lord were called in Foreign Countries, *Retrofeuda*. In *Italy* they called them *Retrofeudi*, in *France*, *Arrierfiefs*.

But in regard the terms *Retrofeudum* or *Arrierfief* were little or not at all used in *England*, I shall take no further notice of them here. Thus, I say, the Tenants *in Capite* may be likened to the *Front* of an *Army* or *Squadron*, and the Tenants holding at a Distance under them, may be likened to the *Rere*.

CHAPTER III.

Deviation from the Feudal Rule.

UT in some cases, men have deviated from the ancient Feudal Law. For example. When Feudal Seigneuries came to be vested in Abbies and Houses of Religion, being aggregate Bodies of men; or when their Lands were charged in their seifine with Feudal or Military Services or Duties; this was a Deviation from the natural and proper state of Feuds. Wherefore, to reduce aswell the Seniurage as the Tenure in these cases, as near as might be, to the old course or state of Feuds, the Abbot was wont to stand in the place of his House; that is to say, on the one part the Seniurage was lodged in the Abbot, by virtue whereof he used to receive the Homage of his Men or Homagial Tenants; and on the other part, the Tenancy was also lodged in the Abbot, by reason whereof he was wont to do homage for his Barony or Knights Fees, either to the Crown, or to some other Lord to whom he was Homagial. This Receiving of Homage and doing of Homage, was respectively in the name both of the Abbot and his House. But the nature of these several Acts required that they should be done by a single person. For the same reason, the Abbot might be and often was a great Lord or Baron; when the Monks of his House were onely simple plain men. For in Feudal cases, the Abbot represented his whole House; and being a single person he was adapted so to do.

In *England*, when an Abbot did Homage to his Lord being a Subject, he did it in this Form. “I do homage unto you, and
 “to you will be faithful and true, and faith to you will bear,
 “for the tenements which I hold of you; saving the faith which
 “I owe unto our Lord the King (*m*).

What hath been said of an Abbot may also be said of a Priour who was Head of an House.

Cujacius

(*m*) *Littletons Tenures* sect. 86.

“*Cujacius* saith, he is a Convassall, who holdeth a Feud of the same Lord, or of the same House” (*n*). The phrase, to hold of a particular Lord gives us the neat original notion of Feudal Tenure: The phrase, to hold of a House, (suppose of an Abbey) shews us the Deviation from the Neat original notion. And therefore I think *Cujacius* should first have laid before his Reader the Neat original idea of Feudal Tenure; and then have set-down the said Deviation from it.

Moreover, in the *Roman-germanick* Empire, another great Deviation from the ancient Rule or Course of Feuds hath been brought-in by Time. There, they speak of holding Baronies and other Feuds or Fees, of the *Emperour* and *Roman Empire*. Let it be considered how this is to be interpreted. The phrase, *Roman Empire* comprehendeth as well the Princes and Great Lords holding Feuds, as also the lower Estates or Orders of men; suppose, the Tenants of Arrierfiefs, the Peasants, and Burgeses of Towns. Where shall men in this case fix the Seniurage. It seemeth improper and against the nature of Feuds, to fix the Seigneurage of the Empire, either wholly or in Part, in the collective Body of the Empire. For Example. If the Princes and Great Lords of the Empire are to do Homage to the Emperour and Empire jointly; and in consequence, are to hold in vassallage of the Emperour and Empire jointly; to wit, of the Head and of the higher Middle and lower orders of the Empire jointly: This, as it seemeth, would be to turn the Empire upside-down. The Community or Collective-body of the Empire, or a great part of them, are incapable of having Seigneurage, and of receiving Homage; because they are, by course of nature, placed in a state of Subjection, a state opposite to Lordship or Seigneurage. And it seemeth to be improper and unfeudal, to lodge the Sovereignty or High Seigneurage of the Empire, even in Part, in the middle or low estates of the Empire, to wit, in the Tenants of Arrierfiefs, or the Bourgeoisie, and Peasantrie. And as to the great Lords of the Empire, when any of them do homage to the Emperour and Empire jointly, then they virtually do Homage to themselves, and

(*n*) — Qui ab eodem Domino eadem Domo feuda tenent. *Cujac. comment. in Lib. 1. de feudis, tit. 1. p 18.*

and hold of themselves; they being a Part of the Collective Body of the Empire.

The Emperour for the time being, and the Estates of the Empire duely assembled have power to limit as they please, as well the Seignourage of the Sovereign the Emperour, as also the Homage and Service of the Vassals both greater and smaller of the Empire. Here, two things fall under consideration. First, If the Emperour and the Estates of the Empire should at any time hereafter transfer the Liege Seignourage, even in part, from the Emperour to the Collective Body of the Empire; by that means, Seignourage and Vassalage, or Sovereignty and Subjection, in the Empire, will be blended in some measure. For Seignourage and Vassalage cannot be fixed in the same persons at the same time, without some degree of solœcism or repugnancy.

In the Second place; If they should at any time hereafter reduce the Liege Seignourage to an Empty name, What will become of the Rights, Perogatives and *Regalia* belonging to the said Liege Seignourage, that is, to the Imperial Dignity? In what *subjectum* or visible Person will they subsist: or will they together with the Seignourage become an Empty Name?

What I have here spoken concerning the *Roman-germanick* Empire, hath been spoken chiefly to illustrate my subject by Foreign as well as Domestick instances.

But in regard the Form of that Empire is Irregular, Mixed, and Complicated, as *James-Charles Spener* (o), *Philip-Andrew de Burgold* (p), and others, have observed, I forbear to enlarge.

After the like manner, when men have been said to hold Fiefs of the *Roman* Church; It appeareth to be a Deviation from the usual course of Fiefs; unless it be explained. In such case, it was not, I conceive, to be understood, that men held their Fiefs of the Diffusive Body of the *Roman* Church, spread over *Europe*; That would be uncertain and vagous. Again, it was not, probably, to be understood, that they held their Fiefs of the *Pope* and his Chapter the Parish-Priests and Deacons of *Rome* (commonly

(o) *Speneri Hist. Germ. Universal.*
Tom. 2. L. 3. ca. 5. &c.

(p) *Burgold. Notitia Imperii Romano-Germ. pars 3, p 7, 11 &c.*

monly called the *College of Cardinals*, or the *Sacred College*) jointly with the *Pope*. But in this case, if we suppose the Seignourage to be vested in the *Pope* of *Rome* for the time being or in perpetual succession; in regard the *Pope* is deemed by his Subjects to be the Head of the *Roman Church*, and as such representeth the whole Body of that Church, to wit, in point of Feudal Seignourage: Then, I say, upon the foot of that supposition, we are enabled to return, from the said Deviation, to the regular course of Fiefs or Feudal Tenure.

The Baronial Abbots of *England* were in like case. These Abbots were great Lords; and the Monks of their House were deemed to be in the state of Dead men, divested of all property. The Seignourage was vested in the Lord Abbot. He was to do Homage to the King, as the Kings immediate Tenant: and the Abbots feudal Tenants were to do Homage to him as their immediate Lord. This, I think, was the ancient state of the Abbeyes in respect of seignourage. But then, if the seignourage came to be in any degree vested in the Convent; that made a Deviation from the ancient and most regular course of Fiefs or Fees: Which Deviation nevertheless would be removed, and the regular course of Fees restored, as soon as the seignourage was re-vested in the Abbot.

These or other Deviations, when confirmed and established by Time, may become the Usage and Law of the Countrey wherein they are admitted. It is not my design to oppose or disparage the Law or Custom of any Kingdom or Countrey. I have mentioned these Deviations chiefly for this end, namely, to give the Student of Laws a clearer notion of Feudal Lordship and Tenancy, by laying before him as well the Regular Course of Fiefs, as also the Deviations.

Fines for alleging wrong Tenure.

IF a man alleged or avowed wrong Tenure, in order to deceive or injure the King, he was to be fined or amerced.

In the reign of K *Henry II*, *Humfrey Malkael* alleged that he held the Land of *Grossebi* of another Lord, when in truth he held

held it of the King. He was fined for it. And *Robert* son of *Peter* was fined for the same offence (q).

Sir Thomas Craig's Notion.

SIR *Thomas Craig* of famous memory, saith, Kingdoms are not *Feuds* or *Fees* (r). And what he saith is true, if it be rightly explained and stated. A King who is independent, and hath no Superiour on earth, is not a Vassal or Feudatary. The *Terra* or Dominion of an independent King is not a *Feud* or *Fief*. For it is not holden of any Lord, or subjected to any Homage and Service. And a *Feud* or *Fief*, in the very nature of it, subsisteth in Homage and Service: Which things are inconsistent with Sovereignty and Independency. Thus the King of *England* is an Imperial and independent King. And in like manner, the King of *France* is an imperial and independent King. I forbear adding instances of other Independent Kings: These two may suffice. On the other side, since the Feudal Customs have taken place amongst Nations, there have been Dependent and Subordinate Kings. These were Kings in Vassallage; and their Kingdoms were Fiefs; holden of their High Lord by Homage and Service, or perchance by Homage onely. In this there is not any absurdity. A man adorned with the Title of a King may be a Vassal, as well as a man adorned with the Title of Earl, Marquis or Duke.

In this case, the Fief remained in the same state, though the style or Denomination of it was altered, to wit, from an *Earldom* or *Duchy* to a *Kingdom*.

If a Feudatary of the Emperour, suppose an *Archidapifer*, an *Archimarescallus*, or other, was an Earl; it was in the Power and Will of the Emperour to create such Feudatary a Marquis or Duke; it was furthermore in the power and Will of the Emperour to create him a King. *Sir Thomas Craig* knew well, that

Kings

(q) Unfridus Malkael r c de xlvi s & viii d, quia advocavit tenere terram de Grossebi de alio quam de Rege; In th l, Et Q e.

Robertus filius Petri r c de xlvi s & viii d, ne habeat offensam Regis de prædicta loquela; In th l, Et Q e.

Mag. Rot. 29. Hen. 2. Rot. 5. a. E-verwichscira.

(r) Nam in regnis, quanquam feuda non sint, Rex sceptrum secundo-genito relinquere non potest —. *Craig Jus Feudale*, p 127. edit. Lond. 1655.

Kings have been created; that a Marquis or Duke hath been created a King by his Sovereign or Superiour Lord.

Ludovicus Pius King of *France* and Emperour made his Sons Kings; *Lotaire* King of *Italy*, *Pipin* of *Aquitany*, *Louis* of the *Norici* (s).

Paulo Emilio saith, that *Charles the Bald*, Emperour, created not onely Dukes but Kings also (t). To shew his Power in creating Kings, he made *Boso*, brother to his wife *Judith*, King of *Provence* (u). In the year of Christ 1130, Pope *Anacletus* (he was an Antipope), "by his Bull dated at *Benevento*, granted to *Roger* " *Guiscard* III, Earl of *Sicily* and *Calabria*, and Duke of *Apulia*, " the Crown and Royal Dignity of *Sicily* *Calabria* and *Apulia*; " To hold to him and his heirs; and constituted *Sicily*, the *caput* " *Regni*; *Roger* and his heirs were appointed by this Bull, to do " Homage and Fealty to the Pope and his Successours, and to " pay to the *Roman Church* yearly six hundred *schiffate* (w)". In the year 1382, Pope *Clement VII* by his Bulled Letter, erected several Lands in *Italy* into a Kingdom, by the name of *Regnum Adriæ*, the Kingdom of *Adria*. These Lands were part of the Lands in *Italy*, which belonged to the Pope and the *Roman Church*, *terras nostras & Ecclesiæ Romanæ, quas habemus in Italia*, to wit, the *Marchia Anconitana*, *Romandiola*, *Ducatus Spoletani*, and other Lands, Cities, and Territories. Of this Kingdom he made *Lewis* Duke of *Anjou* King. And amongst many clauses contained in this Bull, the Pope directeth in what manner and in what Words the King of *Adria* shall do Homage or Liege Vassallage to the *Roman Church*, and likewise directeth the tenour of the Oath of Fealty, which the said King shall take (x). We may add, that Homagial Kings have been created even within this last century. But though Kingdoms are not Feuds or Fiefs; yet by the law and custom of Nations, they imitate Fiefs, as well in

(s) *De Regibus Francorum Chronicon, ad Ann. Christi* 817.

(t) *Calvus Augustus non modo Duces sed & Reges creat. Paul. Æmil. de reb. gestis Francor. fol. 57 a. nu. 30.*

(u) *Quo potestatem suam in regibus creandis monstraret, Bossonem Ju-*

dithæ uxoris fratrem, Regem Provinciæ facit. Anonymi De Regibus Franc. Chron. sup. laudatum; A C 877.

(w) *Conquestes des Norman-François &c. par Gabr. Du Moulin, p 192, 193.*

(x) *Leibnitii Codex Diplom. T 1. p 239.*

in point of Descent, as also in several other respects. If an Earldom or Duchy was erected into a Kingdom: Still such Kingdom was of the nature of an *Honor* or Barony. So the Kingdom of *Jerusalem* was deemed by the Feudists to be a Barony (y). However, in this case *Sir Thomas Craigs* position may soon be set-right. As if he had said. An Independent King cannot leave his Crown to his Second Son, in disherison of his Eldest Son. For though Independent Kingdoms are not Fiefs or Feuds: yet by the Law and Custom of the polite Nations in *Europe*, they Descend from Father to Son, and from Ancestour to heir, in the same course or manner as Feudal Seigneuries are wont to Descend.

A General Profer of Knight-services to the King, was taken at *Twedemuth*, before *Sir Bartholomew de Badlesmere* Lieutenant to the Constable of *England*, and *Sir Nicolas de Segrave* Marechall of the Kings Host; on Thursday next after the Nativity of *S Marie*, in the Fourth year of K *Edward I*.

On the tenth Day of *September*.

Staffordshire, Warwickshire. *Sir Thomas de Pype* acknowledgeth and offereth the Service of one Knights Fee and a half, to be done by *Richard de Mandevill*, *Robert de Chetewynde*, and *Richard Bagot*, with three covered horses.

Westmerland. *Sir Marmaduke de Twenge* acknowledgeth and offereth Service for the Moiety of a third part of one Knights Fee, for xv days, by *Ralf de Eplingdene*, with one covered horse.

Cumberland. *Hugh de Louthier* acknowledgeth and offereth his Service of one Serjanty, to be done by xl days, by *John de Wale*.

Bokingham. *Philip de Aylesbury* owneth and offereth his Service of one Serjanty, with one Aketoon, a Gambezoon, and a Steel cap, to be done by himself, with one uncovered horse.

Gloucester, Bokingam, Somerset. *Sir William Russel* Knight owneth and offereth his Service of one Knights Fee, to be performed by *Robert Russel* and *Robert de Compton*, with two covered horses.

Comberland. *Sir Thomas de Molton* owneth and offereth his Service of one Knights Fee, to be performed by *Sir John de Landplogh* Knight, with two covered horses.

Essex,

(y) *Du Fresne Gloss. Lat. in voce Baronia.*

Essex, Cambridgshire. Simon Perot owneth and proffereth the Service of two (2).

Monsieur

(2) Proffrum servitiorum Domini Regis Angliæ, captum apud Twedemuth coram Domino Bartolomæo de Badlesmere, locum tenente Constabularii Angliæ, & Domino Nicolao de Segrave Marefcallo excercitus Domini Regis, die Jovis proximo post festum Nativitatis beatæ Mariæ, anno regni Regis Edwardi quarto.

x^o die Septembris.

Stafford[scira]. Warr[ewicscira]. Dominus Thomas de Pye r[ecognoscit] & offert servitium suum unius feodi Militis & di[midii] per Ricardum de Mandevill, Robertum de Chetewynde, & Ricardum Bagot, cum iii equis coopertis.

Westmerland[ia]. Dominus Marmeducus de Tuenge r[ecognoscit] & offert servitium pro medietate terciæ partis unius feodi Militis per xv dies per Radulphum de Eplingdene, cum i equo cooperto.

Cumberlond[ia]. Hugo de Louthur r[ecognoscit] & offert servitium suum i Serjantiæ, fac[iendum] per xl dies per Johannem de Wale.

Bok[ingamia]. Philippus de Aylebury r[ecognoscit] & offert servitium suum i Serjantiæ, cum i Aketoun, Gambezoun, & capell[a] ferr[ea], per seipsum, & cum i equo non cooperto.

Glouc[estria], Bok[ingamia], Somers[eta]. Dominus Willelmus Russel Miles r[ecognoscit] & offert servitium suum i feodi Militis, fac[iendum] per Robertum Russel & Robertum de Compton, cum ii equis coopertis.

Comberl[ondia]. Dominus Thomas de Molton r[ecognoscit] & offert servitium suum unius feodi Militis, fac[iendum] per Dominum Johannem de Landplogh Militem, cum ii equis coopertis.

Essex[ia], Cantebrigg[ia]. Simon Pe-

rot r[ecognoscit] & offert servitium duorum feodorum Militum fac[iendum] per Johannem de Wymbissh, Simonem de Elmesdone, Henricum Corozoun & Ricardum de Santre cum iii equis coopertis.

Suthamp[tonia]. Johannes de Sancto Johanne Miles r[ecognoscit] & offert servitium iii feodorum Militum, fac[iendum] per Johannem de Aulton, Johannem le Bretton, Johannem de Sancto Martyno, Symonem du Park, Rogerum de Stokes, & Nicolaum de Hovington, cum vi equis coopertis.

Lanc[astria]. Norff[olcia]. Leyc[estria]. Dominus Johannes de Orby r[ecognoscit], & offert servitium suum terciæ partis ii feodorum Militum & di[midii] pro Baronia de Tatehale, fac[iendum] per Alexandrum de Hyde & Rogerum de Stokes, cum ii equis coopertis.

Norff[olcia]. Magister Willelmus de Berge r[ecognoscit], & offert [servitium] duorum feodorum Militum faciend[um], per Henricum de Rous, Johannem Pouterel, Willelmum Dorvill, & Nicolaum de Glastringbery, cum ii equis coopertis & ii equis discoopertis.

Cantebrigg[ia], Hertford[ia]. Dominus Johannes de Frevill r[ecognoscit] & offert servitium suum i feodi Militis fac[iendum] per Ricardum filium Johannis, & Ricardum de London, cum ii equis coopertis.

Wiltes[ia]. Dominus Walterus de Pauely r[ecognoscit] & offert servitium i feodi fac[iendum] per Walterum de Pauely filium suum & Johannem de Rollebury, cum ii equis coopertis.

Norhamt[onia]. Eustachius de Bourneby r[ecognoscit] & offert servitium medietatis i feodi Militis fac[iendum]

Monsieur Littelton saith, he that holdeth by Escuage, holdeth by Knight service. Here, if by Escuage he meaneth *Actual Service*

c[iendum] per Robertum Eustace, cum i equo cooperto.

Pro Comitatu de Pembroc[ia]. Dominus Audomerus de Valence, Comes de Pembroc[ia] r[ecognoscit] & offert servitium v feodorum Militum fac[iendum] per Dominum Johannem Darcy Militem, Henricum Mol, Edmundum de Ympeton, Johannem Morice, Johannem de Oaldestride, Johannem de Vutank, Willelmum de Whitton, Walterum de Rysebegh, & Adam filium Willelmi Meggeffone, cum x equis coopertis.

Wiltes[ia]. Reginaldus de Sancto Martino r[ecognoscit] & offert servitium i feodi Militis & di[midii] fac[iendum] per Ricardum Ausy, Johannem de Paulesholte, & Johannem de Netherhavene, cum iii equis coopertis.

Wiltes[ia]. Dominus Johannes le Rus r[ecognoscit] & offert servitium i serjantiæ fac[iendum] per Johannem de Somerlyll, cum uno equo discooperto.

Northamt[onia]. Laurentius de Pauely, r[ecognoscit] & offert servitium i feodi Militis fac[iendum] per Paulinum de Pauely, & Johannem de Pyrie, cum ii equis coopertis.

Staff[ordia]. Dominus Hugo de Blount r[ecognoscit] & offert servitium suum i feodi Serjantiæ fac[iendum] per Hugonem le Blount, & Henricum le Blount, fil[ios] ejusdem Hugonis, cum i equo cooperto, & i equo discooperto.

Somerf[eta], Glouc[estria]. Effex[ia]. Dominus Thomas de Berce, & Mauricius filius ejus r[ecognoscunt] & offerunt servitium iii feodorum Militum pro omnibus terris suis fac[iendum] per Robertum de Dribrugh, Willelmum de Wetewode, Ricardum

de Ylton, Thomam de Reydon, Johannem de Croston, & Robertum de Kerlinton, cum vi equis coopertis.

Buk[inghamia]. Dominus Johannes de Olney r[ecognoscit] & offert servitium i feodi Militis fac[iendum] per Willelmum de Olneye, & Willelmum de Botill pro terris uxoris suæ, cum ii equis coopertis.

Pro tota terra Domini Johannis de Grey. Dominus Johannes de Grey r[ecognoscit] & offert servitium v feodorum Militum & di[midii] fac[iendum] per Edmundum de Hastings Militem, dominum Thomam le Rous Militem, Nicolaum de Hastings, Robertum Gobiorm, Willelmum de Shirle, Thomam de Bampton, Johannem Picard, Adam Underwode, Willelmum de Tye, Johannem de Rosfothet, & Johannem Larther, cum xi equis coopertis.

Bok[inghamia]. Johannes de Nowers r[ecognoscit] & offert servitium pro medietate terciæ partis i feodi Militis fac[iendum] per Alexandrum de Vaus, cum i equo cooperto.

Warr[ewicus]. Dominus Guydo Comes de Warr[ewico] r[ecognoscit] & offert servitium ii feodorum Militum & [dimidii] fac[iendum] per dominum Ricardum de Hastings Militem, Willelmum de Hastings, Willelmum de Bochebrok, Johannem de Couton, cum iiij equis coopertis pro terris suis dicti Comitatus, & pro terris hæred[is] Roberti de Tauny, in partem integri proffri sui, videlicet de viii feodis & di[midio], pro dictis terris & Comitatu.

[Item xii^o die Septembris.]

Somerf[eta]. Dominus Henricus de Lortye opt[ulit] servitium ii feodorum Militum fac[iendum] per Willelmum de Stokes, Ricardum Waste-house,

vice of the Shield, he cometh near to the truth: Because such *actual Service* was the chief property and duty of Knight-service.

But

house, Willelmum le Senesch[al], & Galfridum Corbyn, cum iiii equis coopertis.

Somerf[eta]. Domina Johanna de Vinoun r[ecognoscit] & offert servitium quartæ partis i feodi Militis fac[iendum] per Johannem Lyolf, cum i equo cooperto.

Suffex[ia], Wall[ia]. Dominus Willelmus de Breouse r[ecognoscit] & offert servitium ii feodorum Militum & di[midii], pro terris suis in Suffex[ia] & Wall[ia] fac[iendum] per Willelmum de Helpeston, Johannem Testard, Thomam Quintin, Robertum de Arundel, & Johannem Ruffel, cum v equis coopertis.

Somerf[eta]. Dominus Nicolaus Branche r[ecognoscit] & offert servitium suum i feodi Militis fac[iendum] per Robertum de Replyngham & Johannem de Staunton, cum ii equis coopertis.

Glouc[estria]. Dominus Johannes de Panebregg r[ecognoscit] & offert servitium, di[midii] feodi Militis fac[iendum] per Thomam de Bereford, cum uno equo cooperto.

Derby. Dominus Radulphus de Frethemull op[tulit] servitium i feodi Militis fac[iendum] per Willelmum Bourgoilloun & Willelmum Sauvage, cum ii equis coopertis.

Dominus Audomerus de Valence, opt[ulit] servitium vicesimæ partis i feodi Militis, pro terris de Ykelinton, fac[iendum] per Ad[am] de Gysele, cum i equo cooperto.

Wiltes[ia]. Dominus Ricardus de la Ryvere opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Ricardum Bacoun, cum i equo cooperto.

Dorf[eta], Suthampt[onia]. Andreas Peverel opt[ulit] servitium i

feodi Militis & di[midii] fac[iendum] per Johannem de Gatewayk, Johannem de Kyrkesewold, & Willelmum de Morle, cum iii equis coopertis.

Verdoun. Dominus Theobaldus de Verdoun opt[ulit] servitium iii feodorum Militum & di[midii] pro omnibus terris suis in Anglia & Wallia, fac[iendum] per dominum Thomam de Mordak Militem, Arnaldum de Boys, Edmundum de Lewes, Johannem de Mentham, Willelmum de Kynebell, & Ricardum de Compton, cum vii equis coopertis.

Essex[ia]. Dominus Robertus filius Walteri opt[ulit] servitium iiii feodorum Militum fac[iendum] per Dominum Johannem de Belhous Militem, Henricum le Porter, Nicolaum Picard, Willelmum de Staneweye, Hugonem Dengaigne, & Thomam Dengayn, cum viii equis coopertis.

Item xiii die Septembris.

Northumbr[ia]. Dominus Rogerus de Somervill opt[ulit] servitium i feodi Militis fac[iendum] per Adam de Somervill & Henricum de Wytton, cum ii equis coopertis.

Spenc[er]. Dominus Hugo le Despencer senior opt[ulit] servitium ii feodorum Militum, pro omnibus terris suis ubicunque, &c. fac[iendum] per Dominum Johannem de Lageham, & Dominum Philippum de Verney Milit[es], cum iiii equis coopertis.

Northumbr[ia]. Domina Maria de Graham opt[ulit] servitium ii feodorum Militum, pro omnibus terris suis in Anglia fac[iendum] per Johannem de Perers, Adam de Latham, Willelmum de Houbourne, & Robertum de Louwyk, cum iiii equis coopertis.

Suffex[ia]. Nigellus de Combe opt[ulit] servitium i ferjantiæ fac[iendum]

But in discoursing about Escuage, he treateth onely of that Escuage which was wont (in his time) to be assessed by Parliament.

But

dum] per Thomam de Ridholn, cum Aketon Haubergoun capell[] fer[], & i equo discooperto.

Linc[olnia], Ebor[acum]. Dominus Edmundus de Denecourt opt[ulit] servitium ii feodorum Militum fac[iendum] per Reginaldum de Denecourt, Edmundum Chauncey, Rogerum de Pierpount, & Petrum le Mareschall, cum iiii equis coopertis pro omnibus terris suis ubicunque, &c.

Oxon[ia]. Robertus de Eleford opt[ulit] servitium unius Serjantiæ fac[iendum] per Robertum de Derneford, cum i arcu, cum cordo & sagittis, &c.

Oxon[ia], Suffex[ia]. Dominus Johannes de Sancto Johanne de Lagenham opt[ulit] servitium i feodi Militis pro terris suis in Comitatibus Oxoniæ & Suffexiæ fac[iendum] per Nicolaum Larcher, & Thomam de Verney, cum i equo cooperto.

Oxon[ia], Warr[ewicus]. Dominus Johannes de Doddingeseles opt[ulit] servitium i feodi Militis, fac[iendum] per Johannem de Wygenhal, & Henricum Dirlaund, cum ii equis coopertis.

Devon[ia], Suthampt[onia]. Dominus Ingelramus de Beringers opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Henricum de Codifdon, cum i equo cooperto.

Glouc[estria]. Dominus Johannes Giffard opt[ulit] servitium suum pro iii feodis Militis fac[iendum] per Galfridum le Foun, Thomam de Wystanthoue, Henricum Foun, Willelmum Darundel, & Hugonem de Elsemere, cum sex equis coopertis.

Here begins the second Membrane.

It[em] xvii^o die Septembris.

Westmerl[andia]. Petrus de Croft, de Norffolcia opt[ulit] servitium di-

[midii] feodi Militis, fac[iendum] per Henricum de Craufeld, cum i equo cooperto.

Dominus Ingelramus de Gynes opt[ulit] servitium i feodi Militis, & di[midii], fac[iendum] per Johannem Gernet, Radulphum de Bland, & Johannem de Kendale, cum iii equis coopertis.

Somer[seta]. Dominus Nicolaus de Poynz opt[ulit] servitium i feodi Militis pro Manerio suo de Curri Malet fac[iendum] per Reymundum Hering, & Ricardum de Soules, cum ii equis coopertis.

Heref[ordia]. Dominus Rogerus de Mortymer opt[ulit] servitium iii feodorum Militum pro omnibus terris suis in Anglia & Wallia fac[iendum] per Milonem Pichard Militem, Johannem de Stretfeld, Hugonem de Waldon, Willelmum de Cambo, & Walterum de Hauwyk, cum vi equis coopertis.

Glouc[estria] Willelmus de Panebrigg opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Walterum de Grenehou, cum i equo cooperto.

Hereff[ordia]. Thomas de Bykenore Miles opt[ulit] servitium i feodi Militis & di[midii] pro omnibus terris suis in Anglia fac[iendum] per se ipsum & Rogerum de Bromfeld, cum iii equis coopertis.

Glouc[estria]. Ricardus de Croupes Miles optulit servitium i feodi Militis fac[iendum] per se ipsum, cum duobus equis coopertis.

Wiltes[ia]. Ricardus de Testewode, opt[ulit] servitium di[midii] serjantiæ pro Manerio de Coulesfeld fac[iendum] per Johannem Aleyn, cum i equo discooperto.

It[em] xviii die Septembris.

Com[itatus] Oxon[iæ]. Dominus Robertus

K k k

But the Escuage which he treateth of in his several sections, and which was assessed by Parliament, could be no other than Escuage-money ;

Robertus de Veer Comes Oxoniæ opt[ulit] servitium ii feodorum Militum, & di[medii] pro omnibus terris suis fac[iendum] per Willelmum de Bote-courte Militem, Galfridum le Bot[iller], Nicolaum de Felton, & Robertum de Elingham servient[es], cum v equis coopertis.

Ebor[acum]. Dominus Walterus de Faucomberg opt[ulit] servitium i feodi Militis pro omnibus terris suis in Comitatu Ebor[aci] fac[iendum] per Johannem de Faucomberge, & Gerardum de Beythorp, cum ii equis coopertis.

Com[itatus] Cornub[iæ]. Dominus Petrus de Gavaſton, Comes Cornubiæ opt[ulit] servitium iii feodorum Militum pro omnibus terris suis in Anglia fac[iendum] per Alexandrum Cheverel, Edmundum Waſteneys & Egidium Dargentem Milites, cum vi equis coopertis.

Bedef[ordia]. Rogerus de Bello Campo opt[ulit] servitium i feodi Militis pro omnibus terris suis fac[iendum] per Griffinum le Waleys & Hugonem le Elleſworthe, cum ii equis coopertis.

Norff[olciæ]. Radulphus de Cameys opt[ulit] servitium i feodi Militis pro terris suis in Comitatu Norff[olciæ] fac[iendum] per Ricardum de Macy, & Johannem Tylneray, cum ii equis coopertis.

Wilteſ[ia]. Thomas Maudut opt[ulit] servitium i feodi Militis fac[iendum] per Johannem Reigney, & Rogerum Waſtehous, cum ii equis coopertis.

Somerſ[eta]. Domina Cecilia de Bello Campo opt[ulit] servitium di[medii] feodi Militis pro omnibus terris suis fac[iendum] per Rogerum de Coldewell, cum uno eque cooperto.

Cauntebrig[ia]. Nicolaus de Bello Campo opt[ulit] servitium di[medii] feodi Militis pro terris suis de Fulebourne fac[iendum] per Johannem de Sengham, cum uno equo cooperto pro omnibus terris suis, &c.

Salop[ia]. Johannes le Straunge opt[ulit] servitium di[medii] feodi Militis fac[iendum] per Nicolaum Fraunceys, cum i equo cooperto.

Norff[olcia]. Domina Maria de Nevill opt[ulit] servitium i Serjantiæ pro Manerio suo de Houton fac[iendum] per Johannem Jacerond, cum i equo discooperto.

Suff[olcia]. Edmundus de Hennegrave opt[ulit] servitium i feodi Militis pro Manerio suo de Mucford, in Suff[olcia] fac[iendum] per Johannem de Edeneſfore & Hugonem le Parker, cum ii equis coopertis.

Norhumb[erlandia]. Dominus Walterus de Hunterecombe opt[ulit] servitium iiii feodorum Militum pro omnibus terris suis in Anglia fac[iendum] per Johannem de Saleſbury Militem Robertum de Heton, Robertum de Louthar, Johannem de Heſelinge, Archebaldum de Brokefeld, Alanum de Gray, & Hugonem de Gray, cum viii equis coopertis.

It[em] xix^o die Septembris.

Ebor[acum]. Aucherus filius Henrici opt[ulit] servitium di[medii] feodi Militis pro omnibus terris suis fac[iendum] per Eliam filium Johannis, cum uno equo cooperto.

Eſſex[ia]. Dominus Johannes de Claveringe opt[ulit] servitium viii feodorum Militum pro omnibus terris suis fac[iendum] per Edmundum de Comyn, Godefr[idu]m de Roos, Willelmum Cachcat, Johannem de Clooſton Milites, Edmundum le Mar[efcal], Robertum de Tongelton, Hugonem

age-money; which Escuage-money, was a Composition or Commutation for actual Service.

Let

gonem de Ardruffan, Lucam Weer, Johannem Moref, Adam de Crauford, Thomam de Aldeneston, & Thomam Mody, cum xvi equis coopertis.

Salop[ia]. Radulphus le Botiller opt[ulit] servitium unius feodi Militis fac[iendum] per Robertum de Wyxhell, & Willelmum le Botiller, cum ii equis coopertis.

Glouc[estria]. Stephanus Atte More opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Adam de Brochole, cum i equo cooperto.

x^o die Septembris.

Staff[ordia], Cestr[ia], Derby, Salop[ia]. Episcopus Cestr[ensis] opt[ulit] servitium suum pro ii feodis Militum fac[iendum] per Johannem de Benton, Adam de Berkenfyde, Stephanum Pouterel, & Johannem Picard.

Ebor[acum]. Abbas Ebor[aci] opt[ulit] servitium suum i Serjantiæ fac[iendum] per Johannem de Myton.

Huntingdon[ia]. Abbas de Ramefeye optulit servitium iiii feodorum Militum fac[iendum] per Willelmum le Moyne, Walterum de Wynteringham, Gilbertum de Cotesmor, Robertum de Burgate, Radulphum de Leverton, Robertum Mar[escal], Johannem Mortymer, & Willelmum Basset, cum viii equis coopertis.

xii^o die Septembris.

Hereff[ordia]. Episcopus Herefordiæ opt[ulit] servitium suum v feodorum Militum pro omnibus terris Episcopatus sui fac[iendum] per Laurentium de Hell, Adam de Blakebourne, Thomam de Rykehale, Ricardum de Aselagh, Philippum de Radenore, Robertum de Kemefeye, Simonem de Kynardeslegh, Sewatrum de Kynardeslegh, Willelmum le Wyne, & Walterum de Almaly, cum x equis coopertis.

Dorf[eta]. Abbas de Abbotesbury opt[ulit] servitium i feodi Militis pro omnibus terris suis fac[iendum] per Robertum Perham, Johannem de Rishton, cum ii equis coopertis.

Suffex[ia]. Episcopus Cicestr[ensis] opt[ulit] servitium ii feodorum Militum & di[midii] pro omnibus terris suis fac[iendum] per Willelmum le Faucon, Johannem Peverel, Ricardum de Frekenbergh, Robertum de Feryn, & Gilbertum de Power, cum v equis coopertis.

Here begins the third membrane.

Archiepiscopatus Ebor[aci]. Archiepiscopus Ebor[aci] opt[ulit] servitium v feodorum Militum pro omnibus terris suis in Anglia fac[iendum] per Henricum de Lacy, Robertum de Lyns, Johannem Upsale, Willelmum de Holteby, Johannem de Ryp-ton, Willelmum de Ideshale, Thomam de Rand, Thomam de Colevill, Johannem de Coningham, & Ricardum de Sta-verne, cum x equis coopertis.

Norff[olcia], Suff[olcia]. Abbas de Sancto Edmundo opt[ulit] servitium vi feodorum Militum pro omnibus terris suis fac[iendum] per Reginaldum Dargentem, Petrum de Bonyounge, Johannem filium Regis, Thomam Blaket, Reginaldum de Staunton, & Johannem de Kenyngton, cum iii equis coopertis.

Et residuum proff[ri] per Literam Domini Regis relaxatur hac vice, &c.

Somers[eta]. Abbas de Muchelneye opt[ulit] servitium i feodi Militis fac[iendum] per Thomam de Nevill, & Ricardum Larcher, cum ii equis coopertis.

xiii^o die Septembris.

Dorf[eta]. Abbas de Shirebourne, in Dorf[eta] opt[ulit] servitium unius feodi Militis pro omnibus terris suis

Let us endeavour to apprehend this matter distinctly. I think the true state of it is this. Tenure by Knights Service is the *subjectum*.

fuis fac[iendum] per Johannem de Bermington, & Johannem Pork, cum ii equis coopertis.

* Ita M S. Episcopus Londoniæ. Episcopus Londoniæ opt[ulit] servitium v feodorum Militum pro omnibus terris suis in Anglia fac[iendum] per Adam de Stirthele, Robertum Sledde, Philippum de Glasebery, Hugonem de Horning, Thomam Curteys, Petrum Sweyn, Stephanum de Elton, Rogerum de Hechoche, Rogerum Noreys, & Ricardum de Hedle, cum x equis coopertis.

xvii^o die Septembris.

Norff[olcia]. Episcopus Linc[oln]iæ opt[ulit] servitium v feodorum Militum pro omnibus terris suis in Anglia fac[iendum] per Johannem de Apeltweyt, Robertum de Joeveneby, Alexandrum de Kyrketon, Johannem de Glen, Robertum de Adderle, Ricardum de Holm, Robertum le Mar[escall] Thomam de Greyle, Robertum de Fornham, & Ricardum de Bromwyz, cum x equis coopertis.

xviii^o die Septembris.

Dorf[eta]. Abbas de Shirbourne opt[ulit] servitium i feodi Militis fac[iendum] per Walterum de Brocsale, & Rogerum Dymmok cum ii equis coopertis.

Episcopus Wigorn[iæ]. Episcopus Wigorn[iæ] opt[ulit] servitium iii feodorum Militum pro omnibus terris suis fac[iendum] per Ricardum Wade, Johannem de Wateringbury, Johannem de Beydel, Walterum de Osgoteby, Johannem de Gaisham, & Willelmum de Thorneye, cum vi equis coopertis.

xix^o die Septembris.

Glouc. Abbas de Evesham opt[ulit] servitium iii feodorum Militum & di[midii] & quartæ partis unius feodi Militis fac[iendum] per Rogerum de

Levington, Fulconum de Aberbery, Willelmum de Hoo, Willelmum Hord, Johannem de Bromle, Alanum Charles, Thomam de Wytiford, Thomam de Hondford, Benedictum de Blakenham, cum ix equis coopertis.

* Suff[olcia]. Abbas de Holm de Sancto Benedicto opt[ulit] servitium ii feodorum Militum & dim[idii] faciendum] per Nicolaum de Banham, Thomam de Ayngnam, Willelmum de Folesham, Adam de Waltham, [&] Robertum du Lee, cum v equis coopertis.

Dorf[eta]. Abbas de Cerne opt[ulit] servitium i feodi Militis fac[iendum] per Ricardum le Latymer, & Robertum de Rygate, cum ii equis coopertis.

Glouc[estria]. Abbas de Wynchecombe opt[ulit] servitium ii feodorum Militum fac[iendum] per Johannem le Venour, Nicolaum de Swynebourne Johannem de Wyrcestr[ia], & Walterum Ace, cum iii equis coopertis.

Wynton[ia]. Abbas de la Hyde opt[ulit] servitium iii feodorum Militum fac[iendum] per Ricardum de Welles Militem, Johannem de Bykenore, Johannem de Coefeld, Hugonem de Steteryngton, & Johannem Peyure, cum vi equis coopertis.

Somers[eta]. Abbas de Glaestingebury opt[ulit] servitium iii feodorum Militum pro omnibus terris suis fac[iendum] per Nicolaum de Braghinge, Willelmum de Corbrigg, Stephanum Sperlinge, Willelmum de Harrop, Henricum de Tresk, & Thomam de Ledington, cum vi equis coopertis.

Wyltes[ia]. Abbas de Malmesbury opt[ulit] servitium iii feodorum Militum fac[iendum] per Johannem de Berkford, Willelmum Durant, Henricum

jectum. And Homage and Fealty, Actual Service of the Shield, Efcuage-money, Aid, Wardship, Relief, Marriage, are all of them

ricum de Ryndham, Johānnem de Oxham, Johannem de Hawte, Johannem de Matynden, cum vi equis coopertis.

Leyc[estria]. Dominus Rogerus Brabazoun opt[ulit] servitium i Serjantiæ pro terris suis in Comitatu Leyc[estria] fac[iendum] per Wilelmum le Hunte, cum i arcu & sagitt[is].

Warr[ewicus]. Dominus Johannes de Hastings filius Domini Johannis de Hastings, opt[ulit] servitium i Serjantiæ, cum i arcu sine cord[a] per Philippum de Lee, ad prosequendum Regem ubicunque voluerit per xl dies.

It[em] xix^o die Septembris.

Northamt[onia]. Dominus Hunfridus de Basingbourne opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Wilelmum filium Roberti, cum i equo cooperto.

Norff[olcia]. Thomas de Kaylly opt[ulit] servitium i feodi Militis pro parte sua hæred[itaria] de Tateshale fac[iendum] per Aliand[um] de Enderby & Wilelmum de Shirebourne, cum ii equis coopertis.

Hertf[ordia]. Abbas de Sancto Albano opt[ulit] servitium sex feodorum Militum, pro omnibus terris suis, fac[iendum] per Ricardum le Caple Militem, Nicolaum Chival, Johannem de la Mare, Robertum de Kyrketon, Johannem de Sewell, Thomam de Welles, Jacobum le Blount, Johannem de Maryns, Wilelmum de Sancto Albano, Rogerum de Wymondham, & Walterum de Aumondesham, [*Here is a Blank in the Roll*] equis coopertis.

Notingham[ia]. Dominus Paganus Tybetot opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Simonem de Coefeld Militem, cum equo cooperto.

Norff[olcia]. Dominus Hugo de Veer opt[ulit] servitium i feodi Militis pro omnibus terris suis fac[iendum] per Johannem de Tenyssole, & Johannem Hekeryng, cum ii equis coopertis.

Suthamt[onia]. Dominus Thomas Coudray opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Robertum de Mossi, cum i equo cooperto.

Bedeford[ia]. Johannes de Gatesden opt[ulit] servitium di[midii] feodi Militis pro parte hæred[itaria] uxoris suæ fac[iendum] per Thomam de Horton.

Northamt[onia]. Dominus Maugeus le Vavasour opt[ulit] servitium i feodi Militis pro Manerio suo de Wykele fac[iendum] per Adam de Pote-rynton & Wilelmum le Vavasour, cum ii equis coopertis.

Kanc[ia]. Dominus Johannes de Northwode opt[ulit] servitium i feodi Militis pro omnibus terris suis fac[iendum] per Adam de Tyndale & Godemannum Oliver, cum ii equis coopertis.

Ebor[acum]. Willelmus de Chauncy opt[ulit] servitium i feodi Militis fac[iendum] per Johannem Youn & Rogerum de Pert, cum ii equis coopertis.

Comes Hereford[ia]. Comes de Hereford[ia] opt[ulit] servitium v feodorum Militum per Robertum Doun, Wilelmum de Echewyk, Wilelmum de Carlton, Walterum Gacelyn, Walterum de Stanfordham, Johannem de Lenham, Thomam de Helles, Johannem de la Marche, Wilelmum Marcel & Rogerum de Seint Leger, cum x equis coopertis.

Oxon[ia]. Johannes de Harecourt Miles opt[ulit] servitium unius feodi Militis fac[iendum] per Johannem

them Properties, Incidents, or Appendances to Knight-service; to be done rendred and enjoyed, in such Manner as the Case be-
tween

Paiguel & Thomam Paiguel, cum ii equis coopertis.

Effex[ia]. Johannes de Enefeld opt[ulit] servitium vicesimæ & tricesimæ partis unius feodi Militis fac[iendum] per Johannem de Saxmondham, cum i equo cooperto.

Suff[olcia]. Robertus de Bures & Jacobus frater ejus opt[ulerunt] servitium quartæ partis i feodi Militis fac[iendum] per Nicolaum de Felvetham, cum uno equo cooperto.

Sumerf[eta]. Dominus Johannes ab Adham opt[ulit] servitium i feodi Militis & di[midii] fac[iendum] per Adam filium Willelmi, Willelmum de Swynebourne & Johannem Warde, cum tribus equis coopertis.

Norff[olcia]. Dominus Willelmus le Marefcall opt[ulit] servitium ii feodorum Militum pro omnibus terris suis fac[iendum] per dominum Ancelinum le Marefchal, Rogerum de Clifton & Johannem filium Simonis, cum equis coopertis.

Northumbr[ia]. Rogerus filius Radulfi opt[ulit] servitium i feodi Militis fac[iendum] per seipsum & Rogerum de Rok, cum ii equis coopertis.

Episcopatus Sar[esbiriensis]. Episcopus Sar[esbiriæ] opt[ulit] servitium v feodorum Militum pro omnibus terris suis fac[iendum] per Willelmum Dargentem, Hugonem le Megre, Robertum de Bureford, Robertum de Couton, Ricardum de Finchebourn, Johannem de Parys, Petrum de Lunde, Jordanum de Brase, Henricum Sampson & Johannem de la Ryvere, cum x equis coopertis.

Wygorn[ia]. Abbas de Perfhore optulit servitium i feodi Militis pro omnibus terris suis fac[iendum] per Radulphum de Shepeye & Willelmum de Wrotteslee, cum ii equis coopertis.

Effex[ia], Nott[inghamia]. Johannes de Sutton Miles opt[ulit] servitium di[midii] feodi Militis pro omnibus terris suis fac[iendum] per Rogerum de Sewell, cum i equo cooperto.

Dorf[eta]. Johannes de Latimier opt[ulit] servitium di[midii] feodi Militis & terciæ partis di[midii] feodi Militis pro hæred[ibus] Willelmi de Goinz fac[iendum] per seipsum, cum equis coopertis.

Wiltes[ia]. Dominus Willelmus de Hardone opt[ulit] servitium i parvæ Sarjantiæ fac[iendum] per Johannem Brokepenny, cum i equo discooperto.

Wiltes[ia]. Ricardus Danfi opt[ulit] servitium unius parvæ Sarjantiæ fac[iendum] per Ricardum de Opton, cum i equo discooperto.

Comes Lancastr[ia]. Comes Lancastr[ia] opt[ulit] servitium vi feodorum Militum pro omnibus terris suis in Anglia fac[iendum] per Rogerum de Swenerton, Johannem de Twyford, Petrum de Lemefeye, Willelmum Truffel Milites, Johannem de Swenerton, Johannem de Nortle, Ricardum de Lymesy & Robertum de Kent servient[es], cum equis coopertis.

Buck[inghamia]. Johannes Pipard opt[ulit] servitium ii feodorum Militum fac[iendum] per Robertum de Twyford, Johannem le Harpur, Ricardum Derloye & Robertum de Makeword, cum iiii equis coopertis; & si plus, &c.

Berk[ia]. Robertus Achard opt[ulit] servitium unius feodi Militis fac[iendum] per Alanum de Redham & Ricardum de Farnhull, cum ii equis coopertis.

Norhamt[onia]. Dominus Thomas le Latimer opt[ulit] servitium di[midii] feodi Militis fac[iendum] per seipsum, cum uno equo cooperto.

Here

tween the Lord and the Tenant in chivalrie may from time to time require.

Whereas

Here begins the fourth Membrane.

Northumbr[ia]. Lucia de Dyvelston opt[ulit] servitium terciæ partis i feodi Militis fac[iendum] [per] Willelmum de Kemesyng, cum i equo cooperto.

Buck[ingamia]. Dominus Johannes Wolverton opt[ulit] servitium duorum feodorum Militum & di[midii] fac[iendum] per Willelmum de Gynes, Mauricius Galeys, Henricum de Aunewyk, Thomam de Kyrnerntolau & Johannem de Guffing, cum v equis coopertis.

Salop[ia]. Ricardus Burnel opt[ulit] servitium quartæ partis i feodi Militis fac[iendum] per Ricardum de Colmynton, cum i equo cooperto.

Wiltes[ia] Johannes de Cerne opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Johannem de Bradefeld, cum i equo cooperto.

Hertford[ia] Johannes Lovel opt[ulit] servitium i Serjantiæ fac[iendum] per Johannem de Langele, cum i equo discooperto, i Aketoun, i Haubergeon, i bac[] ferr[], & i lanc[ea].

Bedeford[ia]. Nicolaus de Mepreshale opt[ulit] servitium i Sarjantiæ fac[iendum] per Willelmum de Cheshwardyn, cum i equo discooperto, i Haubergioun, i capell[] ferr[], i gladio, & i lanc[ea].

Hereff[ordia], Glouc[estria]. Dominus Willelmus de Grantzoun opt[ulit] servitium i feodi Militis fac[iendum] per Petrum de Langeford & Ricardum de Baskeville, cum ii equis coopertis.

Wiltes[ia]. Edmundus Gacelyn opt[ulit] servitium quartæ partis, i feodi Militis fac[iendum] per seipsum, cum i equo cooperto.

Devon[ia]. Johannes de la Ryvere

opt[ulit] servitium terciæ partis i feodi Militis pro terris uxoris suæ fac[iendum] per Johannem le Mareschal.

Bedeford[ia]. Dominus Johannes de Botecourte opt[ulit] servitium i feodi Militis pro terciâ parte Bar[oniæ] de Bedeford[ia] fac[iendum] per dominum Johannem de Botecourte.

Bedef[ordia] Dominus Walterus de Teye opt[ulit] servitium terciæ partis i feodi Militis de Bar[onia] de Bedef[ordia] fac[iendum] per Robertum Scot, cum i equo cooperto.

Dominus Johannes de Ferers optulit servitium i feodi Militis.

Northumbr[ia] Dominus Robertus de Humfrevill, Comes de Anegos opt[ulit] servitium ii feodorum Militum & di[midii] fac[iendum] per Johannem de Vaus, Gilbertum Bourdoun Milites, Robertum de Reymes servientem, cum equis coopertis.

Somers[eta], Dor[eta]. Robertus filius Pagani opt[ulit] servitium i feodi Militis & di[midii], & terciæ partis i feodi Militis fac[iendum] per Robertum filium ejus Militem, Johannem Cary & Alexandrum de Mountford, cum equis coopertis.

Ricardus Lovel opt[ulit] servitium i feodi Militis & di[midii] fac[iendum] per seipsum & Willelmum Pouchardoun, cum equis coopertis.

Berk[ia]. Memorandum, quod Dominus Rex relaxavit hac vice Domino Willelmo Vys de Lou servitium i feodi Militis pro Manerio de Sotebroc in Comitatu Berk[iæ] per Literam suam sub privato Sigillo, &c.

Somers[eta]. Dominus Johannes de Bello Campo opt[ulit] servitium iii feodorum Militum fac[iendum] per Simonem de Wodhull, Robertum Gouiz, Mauricius le Mareschall, Johannem de Cary, Walterum le Fauconer

Whereas Escuage was established by the Common Law, and usage of the Realm; long before it came to be assessed by Parliament.

The

coner & Ricardum de Holm, cum vi equis coopertis.

Wilt[ia]. Isabell[a] Bytlesgate opt[ulit] servitium i Serjantiæ fac[iendum] per Radulphum de Notyngham, cum i equo discooperto, i Aketoun, i Hauberjoun, i glad[iu], i lanc[ea].

Salop[ia]. Fulco le Straunge opt[ulit] servitium i feodi Militis & vicefimæ partis i feodi fac[iendum] per Juonem filium Warini & Johannem de Warrenne.

Suff[olcia]. Dominus Edmundus de Pakenham opt[ulit] servitium i feodi Militis fac[iendum] per Willelmum Ryvell & Ricardum de Langham, cum ii equis coopertis.

Cantebr[igia]. Johannes de Doukefworth opt[ulit] servitium med[ietatis] parvæ Serjantiæ, fac[iendum] per Thomam le Proude, cum i arcu, i vire, i Bosoun dispennato, uno equo precii di[midix] marcæ, cum una sella, uno Sacco cum una cavill[], ad fac[iendum] cariag[ium] Scutelerie Domini Regis per xl dies.

Hertford[ia], Cant[ebrigia]. Dominus Thomas Descalliers opt[ulit] servitium ii feodorum Militum fac[iendum] per seipsum Thomam le Moigne & Robertum Barde, cum equis coopertis.

It[em] xxi^o die Septembris.

Salop[ia]. Galfridus de Cornubia opt[ulit] servitium i feodi Militis & di[midii] fac[iendum] per seipsum & Henricum Fulet, cum ii equis coopertis.

Suff[olcia]. Gerardus de Wacheham Miles opt[ulit] servitium i feodi Militis fac[iendum] per Robertum de Perys & Johannem de Preston, cum ii equis coopertis.

Northumbr[ia]. Nicolaus Curteys

opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Willelmum de Middelton, cum i equo cooperto.

Norhamt[onia]. Willelmus de la Souche opt[ulit] servitium unius feodi Militis & di[midii] pro omnibus terris suis fac[iendum], per Simonem de Bereford, Nicolaum du Chastel & Johannem de Toneford, cum iii equis coopertis.

Essex[ia]. Johannes de la Mare opt[ulit] servitium iii feodorum Militum pro omnibus terris suis fac[iendum] per Walterum de Clavyle, Robertum de Wycheme, Johannem filium Petri, Philippum Nerber, Radulphum de Cressale & Willelmum de Wylebrighton, cum vi equis coopertis.

Northumbr[ia]. Lucas Tailleboys opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Willelmum Tailleboys, cum i equo cooperto.

Northumbr[ia]. Robertus de Remes opt[ulit] servitium i feodi Militis & di[midii] fac[iendum] per Ricardum de Sharpinton, Baldewynum de Boleyn & Gilbertum de Babynton, cum iii equis coopertis.

Northumbr[ia] Alexander de Braderford opt[ulit] servitium i Serjantiæ fac[iendum] per Willelmum de Braderford, cum i equo discooperto.

Norff[olcia]. Dominus Johannes Lovel de Thichemerk opt[ulit] servitium i feodi Militis pro omnibus terris suis faciendum per Eliam de Grefington & Willelmum Mauduyt, cum ii equis coopertis.

Oxon[ia]. Domina Alicia de la Pole opt[ulit] servitium di[midii] feodi Militis fac[iendum], per Johannem de la Poyle, cum i equo cooperto.

Stafford[ia]. Edmundus de Somervill opt[ulit] servitium quartæ partis i feo-

The worthy Gentleman just above named brings-in *Sir William Herle* Chief Justice of the Common Bank saying, that Escuage shall

i feodi Militis fac[iendum] per Johannem de Camera, cum i equo cooperto.

xxiiii^o die Septembris.

Wilt[ia]. Andreas de Grymsted opt[ulit] servitium i feodi Militis fac[iendum] per Willelmum de Wyble & Johannem Gerner, cum equis coopertis.

Suthamt[onia]. Idem Andreas & Robertus de Eucresbury opt[ulerunt] servitium unius Serjantiæ pro terris suis in comitatu Suthamt[oniæ] faciendum per Willelmum Waryng cum i equo discooperto.

Suthampt[onia]. Johanna de Rivers opt[ulit] servitium suum pro tercia parte di[midii] feodi Militis pro omnibus terris suis fac[iendum] per Johannem de Tyntehull cum equo cooperto.

Lincoln[ia]. Philippus de Kyme opt[ulit] servitium i feodi Militis & di[midii] fac[iendum] per Johannem Pycet, Rogerum Bacoun & Henricum de Billingham cum iii equis coopertis.

Suff[olcia]. Magister Willelmus de Boys opt[ulit] servitium di[midii] feodi Militis fac[iendum] per Rogerum Perewych cum i equo cooperto.

It[em] xxi^o die Septembris.

Norhumbr[ia]. Willelmus de Roos Dominus de Werk opt[ulit] servitium ii feodorum Militum fac[iendum] per Robertum Barde, Edmundum Barde, Willelmum Gelle & Ricardum Darell, cum iii equis coopertis.

Norhumbr[ia]. Thomas de Beke ringe opt[ulit] servitium i feodi Militis & di[midii] fac[iendum] per Johannem Markham, Eliam de Farewath & Robertum de Bustall cum iii equis coopertis.

Essex[ia]. Dominus Johannes de

Bello Campo de Fyfyde opt[ulit] servitium i feodi Militis fac[iendum] per Walterum Rency & Johannem Tyrel cum ii equis coopertis.

Surr[eia]. Johannes de Metham opt[ulit] servitium i Serjantiæ fac[iendum] per Nicolaum de Hockele cum i equo discooperto, Aketon, Haubergioun, Bacynet & Arblast.

Norff[olcia]. Dominus Johannes de Grey de Retherfeld, opt[ulit] servitium i feodi Militis pro Manerio de Dufston, fac[iendum] per Robertum de Morby & Robertum Tybray, cum ii equis coopertis.

xxi^o die Septembris.

Devon[ia]. Dominus Hugo de Corteneye opt[ulit] servitium iii feodorum Militum pro omnibus terris suis, exceptis terris illis, quas tenet de hærede Comitissæ de Aumarle fac[iendum] per Johannem de Veer, Johannem de Vaucort, Johannem de Taunton, Nicolaum de Boteford, Johannem de Wetherhale & Johannem Faukes, cum vi equis coopertis.

It[em] xxviii^o die Septembris apud Bykere.

Comes Warr[ewici]. Dominus Guido, Comes Warr[ewici] opt[ulit] servitium v feodorum Militum pro omnibus terris suis fac[iendum] per Johannem le Tourner, Thomam de Kendale, Willelmum de Asshe, Nicolaum de Salop, Willelmum de la More, Thomam de Berewyk, Henricum de Stany, Ricardum Gernet, Ricardum Delewyn & Robertum de Hertford, cum x equis coopertis.

Hertford[ia]. Dominus Rogerus de Chandos, opt[ulit] servitium ii feodorum Militum fac[iendum] per Philippum Chandoys, Johannem Spennore, Rogerum Ruffeyn & Ricardum de Frone, cum iii equis coopertis.

M m m

Oxon[ia].

shall not be granted, unless where the King goeth [into the War] in person: which is a Position entirely fallacious; as may be seen (a).

Upon the whole matter, it is necessary to give the Student a caution, that in *Littletons Tenures*, which is esteemed a Classical Book, he be not led into error.

And on the other part, the Student may find, if I am not mistaken,

Oxon[ia]. Abbas de Abyndon opt[ulit] servitium iii feodorum Militum fac[iendum] per Robertum de Blakebourne, Johannem de Deverle, Robertum de Goldingham, Simonem de Westwode, Willelmum de Holkele & Thomam de Ceringe, cum vi equis coopertis.

xix^o die Septembris.

Dorf[eta]. Abbatissa de Shaftesbury opt[ulit] servitium iii feodorum Militum pro omnibus terris suis faciendum per Henricum de Bentle, Willelmum de Castro, Robertum de Derby, Willelmum Mandevill, Willelmum de Bentle & Petrum de Spaldynge, cum vi equis coopertis.

Warr[ewicus]. Prior de Coventre opt[ulit] servitium ii feodorum Militum pro omnibus terris suis faciendum per Johannem de Middleton, Johannem de Wymondham, Nicolaum de Byclesden & Eliam de Throkerynton, cum iii equis coopertis.

Here begins the Fifth Membrane.

xxviii^o die Octobris.

Northamt[onia], Devon. Dominus Alanus la Souche opt[ulit] servitium suum unius feodi Militis & di[midii] fac[iendum] per Johannem la Souche, Henricum de Swanefeye & Robertum Persone, cum tribus equis coopertis. habet billam sine billa Const[abularii].

Wiltesia. Abbatissa de Wilton opt[ulit] servitium duorum feodorum Militum fac[iendum] per Rogerum le Waleys, Robertum de Pratis, Willelmum de Foxton & Henricum de Osprenge, cum quatuor equis coopertis.

Olyverus de Engham opt[ulit] servitium unius feodi Militis fac[iendum] per seipsum & Walterum de Byndham cum ii equis coopertis.

Kanc[ia]. Dominus Galfridus de Say opt[ulit] servitium duorum feodorum Militum fac[iendum] per seipsum & Dominum Rogerum de Hegham Milites.

Dominus Johannes Sauvage opt[ulit] servitium i feodi Militis faciendum per seipsum.

Dominus Johannes Kyriel opt[ulit] servitium i feodi Militis & viii^{ae} partis i feodi Militis fac[iendum] per seipsum & Robertum Kyriel.

xiii^o die Octobris.

Johannes de Lancastr[ia] opt[ulit] servitium i feodi Militis & di[midii] fac[iendum] per Johannem de Ede-lyngham, Johannem Salperton & Simonem Bacon, cum equ[is] coop[er]tis].

Kanc[ia] Domina Juliana de Leybourn opt[ulit] servitium ii feodorum Militum & di[midii] fac[iendum] per Dominos Johannem Atwell & Johannem de Lenham Milites, & Henricum de Osprenge, cum equis coopertis.

Ex antiquo Rotulo de Profris Servitiorum, ex parte Rememoratoris The-saurarii adservato.

(a) Et Sir W Herle adonque Chiefe Justice del Common Bank disoit en tiel pleee, que escuage ne ferra graunt, mes lou le Roy alast luy mesme en son propre person. *Lit. Ten. Lib. 2. cap. 3. sect. 96.*

staken, the subject of Escuage explained in a more clear and solid manner, from authentick testimonies, in another Book (b).

Littleton of Knight-service.

SIRE Thomas Littleton of Famous memory in his book of *Tenures*, hath a Chapter entituled *Escuage*, consisting of eight sections (c). In that chapter he calls Escuage a Tenure; and confounds it with Knight-service, and with Homage and Fealty. "He that holdeth (saith he) by Escuage, holdeth by Knight-service. "Escuage non-certain is Knight-service. Tenure by Homage, Fealty and Escuage is Tenure by Knight-service (d). Whereas Escuage was not properly a Tenure; as hath been hinted elsewhere (e). It was indeed appendent to Knight-service; and was one of the Duties or Friuts of Knight-service; but it was not *ipsum servitium militare*, Knight-service it self. So also Homage and Fealty were appendent to Knight-service, and were acts which every man holding by that Tenure was bound to do; but they were not the Tenure of Knight-service it self. Rendring of Relief was a Duty appendent to Knight-service; but was not Knight-service; Aid-render was also a Duty appendent to Knight-service; but it could not properly be called Knight-service, or Tenure by Aid.

Salvo Regali servicio, viz. Scutagio.

IN Fesments or Deeds of Grant, it was usual in the *Reddendo*, to except the *Regale servitium*, the *Kings service*.

By the *Kings service* so excepted they generally understood *Escuage* due to the King. By *Escuage* was meant *Escuage-money* at
so

(b) *Hist. Excheq.* p 431.

(c) *Lib.* 2. *ch.* 3.

(d) Escuage est appell en Latin *Scutagium*, ceste scavoir, *Servitium Scuti*. Et tiel tenant que tient sa terre par Escuage, tient per service de Chivaler. *Lit. Ten.* L 2. *cap.* 3. *sect.* 95.

Escuage non-certain, que est Service de Chivaler. Et tiel escuage trait

a luy homage, & homage trait a luy fealtie.— Et issent ill que tient per escuage, tient per homage fealtie & escuage. *Idem* L 2. *cap.* 3. *sect.* 99.

Tenure per homage fealty & escuage, est a tener per service de chivaler, & trait a luy garde mariage & reliefe. *Idem* *ch.* 4. *sect.* 103.

(e) *Hist. Excheq.* p 431.

so much per scutum or per Knights-Fee. It was called *Service*, because it was in lieu of Actual Service in the Kings Army.

Nicolas Croc made a Fesment or Grant in Fee, Rendring a Rent, for all Service, Suit to Court, and secular demand; except the Kings Service; that is Escuage, when Escuage runneth or is levied in *England* (f).

Robert de Everci made a Grant in Frankalmoigne, of a Mill; to hold freely, quit of all services, suits, homages, fealties, customs and secular demands, except Escuage (g).

Alan de Sefnecot, in a Donation in Frankalmoigne, excepteth the Kings Service and the Churchscot of *Blockele* (h).

Servitium Militare per denarios.

IN the ninth year of K *Richard I*, *Roger de Ginges* came into the *Kings Court*, and fests *Robert le Blund* of several lands and tenements; to hold to *Robert* and his heirs of *Roger* and his heirs, in Fee and inheritance for ever; by the Service of the tenth part of one Knights Fee, and for two gilt Spurs, or six Pence payable within the octaves of Easter. And the said *Roger* and his heirs granted to the said *Robert*, that the said *Robert* and his heirs should do to him and his heirs the said Service of the tenth part of a Knights fee by money, whensoever the said *Robert* or his heirs were bound to do the same (i).

(f) Reddendo inde annuatim Adæ de Budeford & hæredibus suis loco mei, unum denarium, ad festum Sancti Michaelis, pro omni servitio, secta Curiae, consuetudine, & demanda seculari; salvo tantummodo Regali servitio, id est, Scutagio, quando generaliter currit scutagium per Angliam; quantum pertinet ad tantum tenementum de eodem feodo. *Charta Nicolai Croc de concessione in feodo*, Nu. 570; *Data nulla*; in *archivo Curiae Augment.*

(g) Volo igitur ut — habeant & teneant prædictum molendinum, &c. libere & quiete ab omnimodis servitiis, sectis, homagiis, fidelitatibus, con-

fuetudinibus, & demandis secularibus, salvo solo scutagio. *Charta Roberti de Everci de Libera eleemosyna*, Nu. 569; *Data nulla*; in *archivo Augmentationum.*

(h) Salvo Domini Regis servicio, & chirischetto de Blockel[e], quantum dari debet de una virgata terræ. *Ita se habet in charta Alani de Sefnecot[e] de Pura eleemosyna*, Numero 546. *quæ est in Pixide in archivo Augment. sine data.*

(i) Robertus Blundus filius Bartholomæi Blundi de Londonia, reddit compotum de dimidia marca, ut concordia facta inter ipsum & Rogerum de Ginges in Curia Regis scribatur in Magno

Magno Rotulo, scilicet, quod prædictus Rogerus dedit & concessit prænominato Roberto Blundo & hæredibus suis, pro homagio & servitio suo, totam terram quam Ricardus Dolfin tenuit de ipso Rogero in Ginges, quam terram ipse Ricardus quietam clamavit prænominato Rogero, coram Justiciariis Domini Regis apud Westmonasterium, & duos Campos quorum unus vocatur Aisfeld, & alter eorum Langeland, & duos campos, qui jacent contra portam Tomæ Le Franceis, quos idem Tomas de illo tenuit, & xi acras terræ & dimidiam in Keche-nefeld, versus occidentem, juxta terram quæ fuit Galfridi Bucuinte, & iiii acras terræ quæ jacent retro croftum qui fuit Ricardi Spakeman, & terram quæ jacet inter Cheminum Regium, & portam quæ fuit Ricardi Dolfin, sicut duæ sepes Roberti Marefcall devisant, & xvi acras de Bosco suo qui vocatur Le Frith, quæ jacent contra terram Monachorum de Hamme, & juxta boscum qui fuit Galfridi Bucuinte, & in Bosco suo Hufbote & Heibote, sibi & hæredibus suis, & satis suaillæ rationabiliter ad opus Domus suæ in Ginges, & singulis annis duas bonas quercus in bosco suo fore in rationabiles ad ignem suum apud Londoniam ad festum Sancti Michaelis, & terram Radulfi Pistoris, & ipsum Radulfum cum omnibus quæ ad ipsum pertinent, & terram Ricardi Spakeman, & ipsum Ricardum cum omnibus ad ipsum pertinentibus, & terram Edgari filii Ranulfi, & ipsum Edgarum cum omnibus quæ ad ipsum pertinent, & terram Tomæ Le Franceis, & ipsum Tomam cum omnibus quæ ad ipsum pertinent, & communem pasturam suam sibi & hæredibus suis, & omnibus hominibus suis, de prædictis terris, & totam nutrituram porcorum suorum, & hæredum suorum, & omnium hominum suorum,

de prædictis terris, quietam de pascu in boscos suos, & præter hoc xx porcos aliunde perquisitos de pascu quietos in boscos suos, & quicquid in prædictis terris habuit, scilicet in hominibus, in redditibus, in Bosco, in Plano, in pratis, in pascuis, in vis & semitis, in sepibus & fossatis, in introitibus & exitibus, cum omnibus pertinentiis, & omnibus aliis rebus ad prædictas terras pertinentibus, sine aliquo retenemento, habendas & tenendas illi & hæredibus suis, de illo & hæredibus suis, in feodo & hæreditate, bene & in pace, libere & quiete, honorifice & integre, finabiliter, per servitium decimæ partis feodi i Militis, & pro duobus calcaribus deauratis, vel sex denariis solvendis infra octabas Paschæ, absque omni occasione; & quod idem Robertus Blundus & hæredes sui defendent omnes prædictas terras de Hidagio versus Dominum Regem, per tres partes i Hidæ, & quod Rogerus & hæredes sui acquietabunt prænominatum Robertum & hæredes suos, versus Dominum Regem & omnes baillivos suos, de sectis Comitatum & Hundredorum, & quod Rogerus & hæredes sui warantizabunt Roberto omnes prænominatas terras, & omnia alia prænominata, & quod acquietabunt prædictum Robertum & hæredes suos, contra omnes homines & omnes fœminas, per prædicta servitia; & concessit idem Rogerus & hæredes sui, prædicto Roberto, quod idem Robertus & hæredes sui faciant illi & hæredibus suis, prænominatum servitium decimæ partis feodi i Militis, per denarios, quando idem Robertus sive hæredes sui illud facere debent; & quod pro hoc fine & concordia & concessione, prædictus Robertus dedit præfato Rogero de Ginges xxvii marcas argenti. *Mag. Rot. 9 Ric. 1. Rot. 11. tit. London[ia] & Middelfsex[ia].*

CHAPTER IV.



Nciently there were two general ways of holding land, which were wont to be contradistinguished from one another, to wit, holding *in dominio* or *dominico*, *in demeane*; and *in servitio*, *in service*. Every Military Fee was holden *in servitio*: It was essential to a Military Fee to be so holden.

In *Feuds* or Military Fees, the *Service* was so considerable, that a Fee was in a fort deemed to consist in *Service*. Insomuch that in some cases, when a man granted or released the *Service* of a Military Fee, by the words *Servitium feodi unius Militis* or the like, he thereby granted or released the Fee it self.

K Henry II granted to *Ranulf de Glanvill* certain land of the yearly value of lxs by tail, being lately parcell of the Service of *William Fitz-hervey*, that is, of the land holden *in servitio* by the said *William* (k).

In the second year of K *John*, *Walter Croc* released to the King and his heirs the Moiety of the Barony which was his Uncle *Walter Brittons* by the name of *Servitium medietatis Baronie*, to the end the King would be pleased to feff *Richard Briewerre* thereof; to wit, in Fees, in Knights, in Services, in advousons of Churches, and in all Liberties pertaining to the said Moiety, to hold to *Richard* and his heirs of the King and his heirs *in Capite* (l)

In old time Lands were sometimes granted, conveyed or released by the words, *Homagium*, *Servitium*, *Tenura*.

I said

(k) Et Ranulfo de Glanvill[a] l i i s numero, de Servit[io] Willelmi filii Hervei. *Mag. Rot. 1 Ric. 1. Rot. 3. a. inter Terras datas.* Nordfolch and Sudfolch.

(l) Willelmus Briewerre debet dimidiam marcam, ut scribatur in Magno Rotulo, quod Walterus Croc recognovit coram Baronibus de Scaccario, quod ipse concessit & quietum clamavit Regi Johanni & hæredibus

fuis, servitium Medietatis Baronie, quæ fuit Walteri Britonis Avunculi fui, ita ut Ricardus Briewerre & hæredes fui teneant medietatem prædictæ Baronie, cum omnibus pertinentiis suis, in feodis, in Militibus, in serviitiis, in advocationibus Ecclesiarum, & in omnibus libertatibus prædictæ medietati pertinentibus, in Capite de Rege & hæredibus suis. *Mag. Rot. 2 Joh. Rot. 7. a. Dorsete & Sumerfete.*

I said just now, that sometimes by the term *Servitium* the Land it self was granted or conveyed; it is also manifest by precedents, that Land was also sometimes granted or conveyed by the terms *Tenura*, *Tenatura*, or the like Words signifying *Tenure* (m).

K *Stephen* by his Charter confirmed to the Canons of Saint *Martin* in *London*, all their Lands and Possessions, by the terms *terras & omnes alias tenuras suas* (n).

The same K *Stephen* by a Writ under his great Seal commanded *Geoffrey de Magnavilla*, then Sherif of *London* and *Middlesex* to put the Canons of *S Martin* in *London* into saisine of their lands and rights of *Meldon*, by the terms of *terris & omnibus tenaturis suis de Meldona* (o).

Peter

(m) *Henricus de Sancta Helena* [debet] dimidiam marcam, ut scribatur in Magno Rotulo, Quod *Tomas de Arderne* dedit & concessit & carta sua confirmavit, ei & hæredibus suis, totam terram, cum pertinentiis suis, quam habuit in *Leighton*, scilicet totum Capitale Mesuagium, cum gardinis & cum tota Curia, & cum tosta quæ est in australi parte Curia, juxta grangiam & Mesagium in quo uxor *Galfridi Corbicum* fuit dotata, & campum illum qui jacet — ; & homagia & tenementa *Ricardi de Bendevill*, *Ricardi Clerici*, *Johannis filii Picot*, & *Picoti tixtoris*, scilicet quicquid ibidem habuit, in hominibus, & redditibus, & serviciis hominum, & cum omnibus pertinentiis, & cum omni jure, quod habuit in Advocatione Ecclesie ejusdem Villæ. Habendum & tenendum eidem *Henrico* & hæredibus suis, de prædicto *Toma* & hæredibus suis, in feodo & hæreditate, per servicium ii solidorum per annum —. with Warranty. Mag. Rot. 13 Job. Rot. 9. b. tit. *Londonia & Middlesex*.

(n) S Rex Angl[orum], Episcopo *Lundonia*, & omnibus Baronibus suis de *Lundonia*, & de *Essex*, & de *Heortfordscira*, & ministris, & fide-

bus suis omnibus, tam Clericis quam Laicis, Francis & Anglis salutem. Præcipio, quod Canonici mei de Ecclesia Sancti Martini *Lundonia* teneant terras, & omnes alias tenuras suas, in Ecclesiis, & Decimis, & Elemosinis, & in omnibus aliis rebus, ita bene, & in pace, & honorifice, & libere & quiete, sicut umquam melius tenuerunt in aliquo tempore, in Villa & extra, in bosco & plano, & terris & aquis, & pratis & pascuis, in via & semitis, & in omnibus locis. Et habeant, & teneant omnes libertates, & consuetudines suas, cum Soca & Saca, & Toll & team, & Infangentheof, & omnibus rebus, cum quibus antecessores eorum, vel ipsi, melius vel honorificentius unquam tenuerunt. Testibus, R Episcopo Sar[esberia], & H Bigod, & W de Albin[i] Pincerna, & R filio *Ricardi*, apud Westmonasterium. Ex autographo in archivo S Petri Westmonasterii.

(o) S Rex Angl[orum], *Gaufrido de Magnavilla* salutem. Præcipio, quod sine dilatione facias resaisiri Ecclesiam, & Canonicos Sancti Martini *Lundonia*, de terris & omnibus tenaturis suis de *Meldona*, unde *Walterus de Provino* Minister Comitum *Theobaldi* eos dissaisivit; ita plenarie dico facias

Peter Fitzherbert.

IN the Fifth year of K *John*, *Herbert Fitzherbert* gave and granted *totum Tenementum suum de Everwicscira*, all his Land or Estate in *Yorkshire* to his Son *Peter*, upon his marriage to *Alice* daughter of *Robert Fitz-Roger* (p).

In

facias eos resaisiri, sicut inde saisiti fuerunt ipsi & Ecclesia sua, die qua dedi Manerium illud Comiti Theobaldo, & die qua Rex Henricus fuit vivus & mortuus, & die qua R Episcopus Sar[esberia] fuit vivus & mortuus; & bene, & in pace, & libere teneant, sicut melius tenuerunt tempore Regis Henrici; ne super hoc sustineas, quod aliqua eis inde injuria, vel contumelia fiat. T P Cancellario apud Andeveram. *Ex autographo in archivo S Petri Westmonasterii.*

Idem Vicecomes r c de Feodis Baronum & Militum, qui de Rege tenent in Capite in Baillia sua, qui Cartas de Tenemento suo Regi non miserunt. *Hist. Exch. p 403. r. p 404. t. u. sub anno 14 Hen. 2.*

(p) Petrus filius Hereberti debet dimidiam marcam, ut Donatio & concessio facta ab ipso Petro & Hereberto filio Hereberti patre suo, de Maritagio dato Aliciæ filiæ Roberti filii Rogeri, quam prædictus Petrus ducebat in uxorem, quæ & recordata fuit coram Baronibus de Scaccario, præsentibus prædictis, in hac forma. SCIANT præfentes & futuri, quod ita convenit inter Herebertum filium Hereberti & Petrum filium ejus, de Maritagio Aliciæ filiæ Roberti filii Rogeri, quam idem Petrus duxit in uxorem, Quod prædictus Herebertus dedit & concessit Petro filio suo, ad ducendum ipsam Aliciam uxorem suam, totum Tenementum suum de Everwicscira, de quo eum saisivit coram Domino H

Cantuar[iensi] Archiepiscopo, G filio Petri Justiciario Domini Regis, Will-elmo de Cantilupo, Reginaldo de Cornhull, Ricardo de Seinges, & multis aliis. Idem autem Petrus prædictam Aliciam uxorem suam, inde dotavit de Patris sui assensu. Idem etiam Petrus concessit Patri suo totum Tenementum illud, tam de se quam de A uxore sua, tenendum ad firmam tota vita ipsius Hereberti, pro c marcis annuis, in duobus terminis anni solvendis, scilicet quinquaginta marcis ad Pascha, & quinquaginta marcis ad festum S Michaelis. Ita quod si prædictus Herebertus firmam illam præfato Petro aut A uxori suæ in terminis statutis non reddiderit, ipsi Petrus & A uxor sua totum Tenementum illud in manum suam recipient sine aliqua reclamatione ejusdem Hereberti. Et si Petrus aut Alicia uxor sua huic quæstioni non steterit, prædictus Herebertus quietus erit de prædicta firma illis reddenda. Si autem prædictum Petrum ante Patrem suum mori contigerit, ipse Herebertus Aliciæ uxori prædicti Petri firmam illam in vita sua integre persolvat. Ita, quod si idem Herebertus firmam illam ad terminos statutos non reddiderit, ipsa Alicia totum Tenementum illud in manum suam recipiet sine aliqua reclamatione ipsius Hereberti. Et si ipsa Alicia, huic Conventioni stare contradixerit, prædictus Herebertus quietus erit de prædicta firma illi reddenda; & eadem Alicia post mortem ipsius Hereberti,

In the reign of K *John*, *Geofrey Fitz-Pierre* Earl of *Essex*, by his charter, confirmed to the Monks of *Hurley* their Lands and Possessions, in the terms *prædictas tenuras* (q).

The Statutes about Tenure in Capite.

BY a Statute made in the thirtyfifth year of K *Henry VIII*, it is enacted, that when the King granted out any Manors, Lands, &c. which came to the Crown by Dissolution of the Religious Houses, and did not exceed the clear yearly value of xls, he might in his Patent Letters of grant, reserve at his pleasure, either a Tenure by Knights service *in Capite*, or else a tenure in socage or free burgage and not *in Capite*, with a yearly Rent or tenth of such lands granted (r).

In the thirtyseventh year of K *Henry VIII*, it is enacted, that all Lands, tenements, &c. not above the clear yearly value of xls, by whatsoever title they came to the Kings hands, which had passed from the King by any grant made thereof since the twenty-fourth day of *April*, in the seven and twentieth year of his reign, and were limited to be holden of the King his heirs and successors by

berti, si ipsa supervixerit, totum tenementum illud tanquam Dotem suam recuperabit. De ista Conventione hinc inde firmiter tenenda, Plegii sunt prædicti Dominus, Cantuar[iensis] Archiepiscopus & G filius Petri Justiciarius. Et si prædictus Herebertus a Conventione ista aliquatenus vellet rescire, prædictus Dominus Archiepiscopus, de assensu ipsius Hereberti, eum distringet per Justiciam Ecclesiasticam, secundum Conventionem priorem, & Cartam inter eos factam. Prædictus itaque Herebertus Cartam suam faciet præfato Petro filio suo secundum Scriptum istud. Petrus etiam Hereberto Patri suo secundum idem Scriptum Cartam suam faciet. Dictus quoque Herebertus Uxori ejusdem Petri, & eadem Uxor eidem Hereberto, Cartam suam inde faciet. Hæc Conventio recordata fuit apud Westmon[a-

sterium], & concessa xxviii die Novembris, anno v Regni Regis Johannis, coram Ricardo de Heriet, Simone de Pateshull, Godefrido de Insula, Johanne de Gestling, Osberto filio Herevei, Eustacio de Faukenberge, Waltero de Crepping Justiciariis, & aliis Fidelibus Domini Regis ibidem tunc præsentibus. *Mag. Rot. 5 Job. Rot. 5. a. Tit. Glocestrescira. This being a very ancient and remarkable Marriage-Settlement, I have set it down verbatim.*

(q) Et sciendum, quod ego & hæredes mei prædictas tenuras contra omnes homines, & contra omnes fœminas, prædictæ Ecclesiæ, & Monachis warantizabimus. *Formulare Anglic. Formula 101.*

(r) *Statute 35 Hen. 8. cap. 14. sect. 3. per Keeble.*

by fealty onely and not *in Capite*, or in focage or free burgage, or by fealty onely in free and common focage and not *in Capite*, or by any such like words, or to be holden by fealty as of any of the Kings Honours, Manors or lands, or by fealty onely as of any of the Kings Honours, Manors or Lands and not *in Capite*, or by any such like words: that the same shall be deemed to be holden in focage or burgage and not *in Capite*, and shall in no wise be deemed or taken to be holden *in Capite*. *Section 2.*

And that during five years to come, the King may upon his Grants reserve a tenure by Knight-service *in Capite*, or else a tenure by fealty or in focage or burgage and not *in Capite*. And that all such general tenures made and reserved since the thirty fifth year of the King, and hereafter to be made and reserved within these five years, in and by Grants or Patent-letters having these Words & *non in Capite*, shall be deemed tenures in focage or burgage, and not tenures *in Capite*. *Sect. 3.*

And that where Patents are made of Lands, with the words, & *non in Capite*, the Patentees shall hold by the service of fealty in focage or burgage, and shall not hold the same of the King *in Chief* or *in Capite*, nor shall be compelled to sue any livery, make fine for alienation, or sue any licence or pardon for alienation, and the heir may enter without suing of livery, *ousterlemaine*, &c. *Sect. 4 (s).*

In the first year of K *Edward VI*, to prevent and take away doubts that had arisen and that might arise about tenure of Lands, another Statute is made, whereby it is enacted, that all Honours, Castles, Manours, Lands, &c. which are holden of the King by any of his Subjects by Knight-service, focage, or otherwise, as of any of his Dukedomes, Earldoms, Baronies, Castles, Manours, &c. which become, or which shall hereafter come to the Crown by means of any attainder or conviction, or by dissolution or Surrender of any Religious Houses, shall not from henceforth be adjudged to be holden *in Capite* or as tenure *in Capite*. *Section 1.* Provided that this Act shall not be hurtful to the King, for or concerning any wardship, livery, primer seisin, &c. or any profit which is or may come to him from any person holding any Honours, seigniories, castles, manors, lands, &c. of the King *in Chief* as of

(s) *Statut. 37 Hen. 8. cap. 20. sect. 2, 3, 4.*

of his person, or of any other his ancient possessions, and being not come to the King by any such Attainder, Dissolution, Surrender as aforesaid. *sect.* 2. And provided, that this act shall not give any advantage or profit to any Tenant in Fee simple of any Honors, Manours, lands or tenements, which have heretofore sued any special or general livery or *ouster le main*, of any Honors, Manors, &c. by what tenure or service soever they were holden, or who shall confess by matter of Record any tenure *in Chief* of the King; but that he or they shall hold in like manner as they did before the making of this Statute (*t*).

In the Statute of the thirtyseventh year of K *Henry VIII*, and in the Statute of the first year of K *Edward VI*, it is recited, that divers questions and doubts had lately arisen [amongst the Professours of the Common-law], concerning the tenure of certain Lands and Revenues mentioned in the same Statutes. But if things had been duly weighed, perhaps it might have been found that those questions and doubts were in great measure needless, and onely owing to the subtilizing which had been introduced in *Westminster-hall*. In some cases when a Seignury came to the Crown by Escheat or otherwise, the Knights Fees holding of such Seignury continued to be holden by the same Tenure, or in the same Plight as they were holden before they came to the Crown. This was a thing known in *Westminster-hall*. Perhaps that might give occasion to Lawyers to raise the aforesaid Doubts. In particular, because in some cases Knights Fees were holden by the same Tenure after the Seignury was vested in the Crown, by which they were holden before, some persons might conclude they were to be so holden in all cases.

But that opinion was groundless, as may appear from what I have said above.

On the other part, there was reason to make a Doubt in the case following. That is to say. Several of the Abbots and Priours were *Barones Regis*, the Kings Barons, and held their Temporalties of the King by Barony. When their Houses came to be dissolved, and their Baronies to be vested in the Crown, it might fairly have been made a question, whether the Tenants in Chivalry of those Abbots and Priours should not hold their Lands of

(*t*) Statut. 1 Edw. 6. cap. 4. *sect.* 1, 2, 3.

of the King after the Dissolution of their Houses, by the same Services, and in the same manner as they held them of the Abbots and Priours before the Dissolution. But for ought that appears to me, no doubt or question was then made upon this point.

The chief design of the Statute of the thirtyseventh year of K *Henry VIII*, was to ease the *English* of the burdens belonging to Knight-service. For though much is said therein about tenure *in Capite*, yet it appears that tenure by Knight Service was meant; for the Statute centers and concludes in this, that men shall not be compelled to sue any livery, make fine for alienation, and the rest. Which were acts or incidents belonging onely to Tenure by Barony, or to Knight-service not embaronied, or to Sergeanty, or in fine to Tenure which did partake of Knight-service.

Thus it appeareth that in K *Henry* the Eighth's reign, they did not neatly distinguish between tenure of the King *in Capite* by Knight-service, and Tenure of the King *in Capite* of other kinds.

In every one of these Statutes we may plainly see how the Penman of it labours and toils to make his meaning understood. In vain; it was not possible for him to speak clearly upon a subject, of which he had but a confused notion.

Before these Statutes of K *Henry VIII*, there never was, for ought that I know, an *Honor* created or erected by Statute. And therefore it was not well done of the Lord Chief Justice *Coke*, to refer the Students in the Law to these Statutes (*u*), in order to acquire a right Knowledge of the nature of an *Honor*. Because the Artificial and Nominal *Honors* erected by those Statutes, will not probably conduce to give men an exact notion of an Ancient and Real *Honor*.

In the twelfth year of K *Charles II*, a Statute was made entitled, "An Act for taking away the Court of Wards and Liveries, and Tenures *in Capite*, and by Knight-service, and Purveyance, &c". It is enacted thereby, that the Court of Wards and Liveries, and all Wardships, Liveries, Primer seifins and Outsterlemains, values and forfeitures of Marriages be taken away, &c. And that all Tenures by Knights service of the King or of any other person, and by Knights service *in Capite*, and by Socage *in*
Capite

(*u*) *Cok. Lit. cap. 9. sect. 159. p 108.*

Capite of the King, and the fruits and consequents thereof be taken away ——. *section 1.*

And that all Tenures hereafter to be created by the Kings Majesty, his heirs or successors, upon any Grant of any Estate of Inheritance, shall be in Free and common Socage, and not by Knight's service, or *in Capite*, and shall be discharged of all Wardship, value and forfeiture of Marriage, Livery, Primer seisin, *Ousterlemaine*, Aid *pur faire fitz chivalier*, and *pur file marrier*, *sect 4. (w).*

But by very ill luck the Penner of this Statute put-in the words *Tenure in Capite*. Which words have basely entangled the subject matter, and rendred the Statute in some measure illusory.

To enact that there shall be no *Tenure in Capite* is, in my humble apprehension, an Incongruity: And even a Statute cannot make an Incongruity congruous.

Particularly, the said Statute of the Twelfth year of K. Charles II would have been congruous, if care had been taken to mention things in it distinctly. For example. This might have been the Plan of that Statute.

To take-away Knight-service with all its fruits, properties, incidents, and pertinencies, to wit, Wardship, Marriage, Relief, Livery, Esuage, Aid *pur faire fitz chivalier*, and the rest.

To save Baronage, or rather the Simple Homage belonging to it. By Simple Homage I mean Homage without Knight-service or the fruits, incidents or properties of it, and consisting onely in an honourary dependance on the Crown.

To save Sergeanties which were to be performed either at the Kings Coronation or otherwise; but to strip them of Knight-service, and all the properties thereof.

To save Hereditary Offices (which were a sort of Sergeanties) mixt or attended with Knight-service or Chivalerian Duties, but to strip them of all Chivalerian properties and Duties.

To save to the King all Escheats of Lands of his immediate Tenants.

To take-away Wardship, &c. from tenure in Socage, if anywhere by custom or otherwise it was attended with Wardship or Marriage,

(w) Statut. 12 Car. 2. cap. 24. sect. 1, 4.

Marriage, &c. and from any other Tenure which carried Wardship, Marriage, &c. with it; if there was any such Tenure.

To take-away and abolish the Court of Wards and Liveries.

In fine, perhaps a few other Clauses and Explanations might have been added which are not here mentioned.

The Design of the Statute of the Twelfth Year of K *Charles II* was, to take away Knight-service, and the Court of Wards and liveries; which Court was founded upon that tenure.

If therefore the words *Tenure in Capite* had been wholly left out of this Statute, and not at all mentioned therein, all the ends of the Statute would have been fully answered, and the Statute it self would have been plain and consistent. For instance. If the Statute had onely said, Tenure by *Knight-service* shall be or is hereby taken-away; Then, *Tenure in Capite by Knight-service* had been effectually taken-away, without any more Words. For if you take-away *Tenure by Knight-service*, there can be no *Tenure in Capite by Knight-service*; because there cannot be a *species* or a *modus* of a non-existent.

All Tenure in Capite cannot be taken away.

BUT the truth of the matter is this. *Tenure in Capite* cannot be taken-away, without taking-away not onely Knight-service but all other Tenure too.

It is to be known, that in *England* there were anciently seven Principal sorts of Tenure, to wit, Tenure in Almoigne or Frankalmoigne, Tenure by Barony, by Knight-service, by Sergeanty, in Socage, in Burgage, and in Villenage. Now, I do but just mention the Tenure in Frankalmoigne and that in Villenage; and to dismiss them; in regard they are foreign to the present subject of Discourse.

Note, Tenure in Capite in Socage is taken away by the Stat. of 12 C 2.

A man was said to hold of the King *in Capite*, by each of the said Tenures, of Baronage, Knight-service, Sergeanty, Socage or Burgage.

For example. Before the Statute of the twelfth of K *Charles II*, there was Tenure *in Capite* in Socage.

Tenure

Tenure in Socagio in Capite.

IN the eighteenth year of K *Richard II*, the Abbot of *Nuttele* held a Tenement in *Tragelthrop* in *Lincolnshire* of the King *in Capite* in Socage, by the yearly rent of a Cap lined with fine linen, and one pair of Gilt spurs (x).

In the three and thirtieth year of Q *Elisabeth*, *Thomas Owen* Esquire held certain land of the Queen *in Capite* in Socage (y).

Then superveneth the Statute of the twelfth of K *Charles II*. This Statute saith, *Tenure in Capite* shall be and is thereby taken-away. Now if this Statute had taken away Tenure in Socage; then, Tenure *in Capite* in Socage had, no doubt, been taken-away. For where there is no Tenure in Socage, there cannot be Tenure *in Capite* in Socage. On the other side, if there is any Tenure in Socage in being, there will be, of necessity, Tenure *in Capite* in Socage somewhere; particularly of the King the Chief Lord and Sovereign of the Realm. For if a man holdeth of the King in Socage; *immediately* or *sine medio*, he is in reality the Kings Tenant *in Capite* in Socage, whether we call him Tenant *in Capite* or not.

Moreover, before the said Statute of the twelfth of K *Charles II*, there was Tenure *in Capite* in Burgage; as appeareth by several instances set-down in another Work (z).

How then doth this Statute operate upon *Tenure in Capite in Burgage*?

(x) *Lincoln*. Abbas de Nuttele reddidit ad Scaccarium hic, per Johannem Wycombe attornatum suum, xxvii^o die Januarii hoc termino, duodecim Capellos lineatos findone, & duodecim paria calcarium deauratorum, pro quodam tenemento, quod tenet de Rege in Capite in Tragelthorp in Comitatu Lincolnia, videlicet pro annis regni Domini Regis nunc sexto, septimo, octavo, nono, decimo, undecimo, duodecimo, terciodecimo, quartodecimo, quintodecimo, sextodecimo, & decimo septimo. Quæ quidem Capelli & Calcaria liberantur Ca-

merar[iis] hujus Scaccarii, custodienda ad opus Regis. *Hil. Fines, Reditus, &c.* 18 Ric. 2. Rot. 1.

(y) *Essexia*. Memorandum, quod præceptum fuit Vicecomiti Comitatus prædicti —; quod distringeret Thomam Owen Armigerum —, ad faciendum Dominae Reginae nunc Homagium & fidelitatem pro Manerio de Westhürrock alias Westhall, and many other Lands; of part of them it is said, quæ de dicta Domina Regina tenentur in Socagio in Capite. —. *Trin. Communia* 33 Eliz. Rot. 180. a.

(z) *Firma Burgi*, cap. 1. sect. 8.

Burgage? Doth it take-away *Tenure in Capite in Burgage*? I apprehend it doth not take it away. For whilst *Tenure in Burgage* is in being, there will be *Tenure in Capite* in *Burgage* somewhere; that is, it will remain and be either in Name or Reality; as hath been said just above concerning *Tenure in Socage*.

I suppose nobody will oppose me, by saying, that the phrase *Tenure in Capite* is abolished by this Statute last mentioned: For I am not here reasoning about Words but things.

Some Estates were *Baronial*, that is, holden by Barony and Knight-service: Others, *Chivalerian*, that is holden by Knight-service onely. Without Knight-service *Tenure* by Barony could not subsist: For which reason we may fairly say, that by taking away Knight-service, *Tenure* by Barony is virtually taken-away.

Estates in Land were denominated either Noble or Base according to the *Tenure* of them. If the *Tenure* and Service were Noble, the Estate was deemed Noble; if the *Tenure* and Service were Base or Mean, the Estate was deemed Base or Mean. So that when Knight-service was abolished in *England*, the Estates of the Nobility and Gentry became greatly disparaged and debased: Of *Baronial* and *Chivalerian*, they were made *Socagial*. They were changed from the Service of the *Shield*, to the Service of the *Plow*; from Noble and Gentlemanly Estates, to Estates Vulgar, and Peasantly. Insomuch that from thenceforth, he who was wont to be styled *Sir Knight* or *Gentleman*, might, in respect of his *Tenure*, merit to be called *Goodman Farmer* or *Goodman Burgefs*.

All Tenure must be taken away with Tenure in Capite.

WHAT hath been spoken upon this head sheweth, that *Tenure in Capite* cannot be taken away without taking-away all *Tenure*.

And at this day, where a City or Town payeth the Crown a Fee-ferm, that sheweth *ex ipso jure*, that such City or Town is holden of the Crown *in Capite* or *immediately* in *Burgage*.

When Knight-service was first instituted, it was universally thought an Honourable *Tenure*. No *Tenure* was in greater esteem than it. I might except Barony. But I need not. For Ba-

rony was Knight-service embaronied, that is, Knight-service enlarged and erected into a Barony, or if you please, made a Barony at its first creation. In process of time Knight-service was counted burthenfome. Men became weary of the manifold duties, prestations and cumbrances belonging to it. Being weary of them, they found by degrees an opportunity to get relief against them; namely by getting the Tenure it self abolished. This was done or intended to be done by the Statute of the Twelfth year of K *Charles II*, concerning which I have briefly discoursed in this Volume and in the *History* of the Exchequer.



CHAPTER V.

Grand Serjanties in Capite.

Ikewise *Grand Serjanties* were also holden of the King *in Capite*. It is to be remembred, that this Serjanty was a *Servitium*, a *Service*; but it was a peculiar kind of Service, different from each of the other kinds of Service.

In the reign of K *Edward II*, *Thomas de Warblynton* held the Manour of *Shirefeld* in *Hamshire*, of the King in Chief, by the Serjanty of being Mareschal of the Whores [who hapned to be found] in the Kings household, and of dismembring malefactors condemned, and of measuring the Galons and Bushels in the Kings household (a).

In or about the fifth year of K *Edward III*, *John de Perton* held the Manour of *Perton* in *Staffordshire* of the King *in Capite* by

(a) Suhamt[onia]. Johannes de Warblynton filius & hæres Thomæ de Warblynton, fecit finem cum Rege per x marcas pro relevio suo de Manerio de Shirefeld in Comitatu Suhamptoniæ, quod dictus Thomas tenuit in Capite, die quo obiit, de Domino E nuper Rege Angliæ patre Regis nunc, per Serjantiam essendi Marescallus de Meretricibus in Hospitio Regis, & dismembrare malefactores adjudicatos, & mensurare galones, & bussellos in Hospitio Regis, sicut prædictus Johannes modo recognoscit, & sicut continetur inter Serjantias arrentatas per Robertum Passelewe, anno xxxiiii^o Regis H proavi Regis nunc, pro quo quidem Manerio & aliis terris, quas dictus Thomas tenuit in Capite, die quo obiit, de prædicto patre Regis nunc, i-

dem Johannes fecit homagium eidem Regi E patri, sicut continetur in Originali de anno ejusdem Regis E patris decimo. Et concessum est prædicto Johanni, quod de prædictis x marcis solvat unam medietatem in Craistino Sancti Johannis Baptistæ proximo futuro, & aliam medietatem in Craistino Sancti Michaelis proximo sequente. Ad quem diem non solvit prædictas v marcas. Ideo præceptum est Vicecomiti, quod fieri faciat, ita, &c. in Craistino Sancti Michaelis. Postea Johannes de Stures, Vicecomes Suhamptoniæ solvit x marcas prædictas, pro prædicto Johanne de Warbleton, per i talliam levatam xii die Octobris anno tertio hujus Regis. *Pas. Fines i Edw. 3. Rot. 8. a.*

by Grand Serjanty, to wit, by the Service of one Man armed with a Hachet, an Haubergion, a steel-cap and a Lance, with two uncovered horses, for forty days in the Kings Army, when he was engaged in a War with *Wales* (b).

In

(b) De Homagio capto. Rex cepit homagium Willelmi de Perton filii & hæredis Johannis de Perton defuncti, qui de Rege tenuit in Capite, de omnibus terris & tenementis, quæ idem Johannes pater suus tenuit de Rege in Capite, die quo obiit, & ei terras illas, & tenementa Rex reddidit. Et ideo mandatum est Willelmo Trussel Escatori Regis ultra Trentam, quod accepta securitate, a præfato Willelmo de rationabili relevio Regi reddendo ad Scaccarium Regis, eidem Willelmo de omnibus terris & tenementis prædictis, & de quibus præfatus Johannes pater suus, feifitus in dominico suo, ut de feodo in balliva sua, die quo obiit, & quæ occasione mortis ejusdem capta sunt in manum Regis, plenam feifinam habere faciatis, salvo jure cujuslibet. T. Rege apud Sheffield xxxi^o die Julii. Per breve de privato Sigillo. Staff.

Et memorandum, quod compertum est per Inquisitionem, quod prædictus Johannes tenuit in dominico suo, ut de feodo, die quo obiit, Manerium de Perton, cum pertinentiis in Comitatu Staff[ordiae] de Rege in Capite per magnam Serjantiam, videlicet per servicium unius hominis armati, cum Aketon[e] Hauberon[e] capello ferr[eo] & Lancea, cum duobus equis discooperitis, per quadraginta dies in exercitu dicti Regis Walliæ, quando Rex ibidem inguerratus fuerit, videlicet per octo dies sumptibus ipsius Johannis, & per triginta & duos dies sumptibus dicti Regis, percipiendo per diem poturam & octo denarios. Staff. *Originale* 5 *Edw.* 3. *Rot.* 15.

Hertford[scira]. Memorandum, quod compertum est in Originali de anno

xliiii^o Regis E tertii videlicet, avi Domini Regis nunc, Rotulo videlicet septimo, quod, cum idem Dominus Rex avus undecimo die Junii, dicto anno xliiii^o pro una marca, quam Sampson filius & hæres Willelmi de Northwode, eidem Domino Regi avo solvit, perdonaverit ei transgressionem, quam prædictus Willelmus pater suus fecit acquirendo sibi & hæredibus suis, unum Mesuagium, & viginti acras terræ, cum pertin[entiis] in Watton atte Stone, de Johanne Bardolf Chivaler, qui ea tenuit de dicto Rege avo in Capite, ut parcelлам Manerii de Watton atte Stone, & ea ingrediendo licentia dicti Regis avi, super hoc non optenta —.

Et ad prædictum craftinum S Michaelis prædictus Sampson, venit hic in propria persona sua. Et cogn[oscit] se tenere, & dictum Willelmum patrem suum tenuisse in dominico suo, ut de feodo, die quo obiit, sibi & hæredibus suis, Mesuagium & terram prædicta cum pertinentiis, ut parcelлам dicti Manerii de Watton atte Stone, de Domino Rege in Capite per servicium magnæ Serjantiæ, quæ quidem Serjantia integra tenetur de Domino Rege in Capite per servicium inveniendi Domino Regi unum hominem armatum in guerra Scotiæ, sumptibus suis propriis per xl dies. Et dicit, quod Mesuagium & terra prædicta, cum pertinentiis sunt & faciunt ducentesimam partem Manerii prædicti, & valent per annum ultra reprises iis. Quod quidem Manerium integrum tenetur de Domino Rege in Capite per servicium superius recognitum; juxta quod servicium offert Regi relevium pro Mesuagio, & terra

In the seventeenth year of K *Henry VI*, *Robert Umfravill* held the Castle of *Herbotell* and the Manour of *Oterburn*, of the King *in Capite*, by the Service of Keeping the Valley and Liberty of *Riddefdale*, where the said Castle and Manour are situated, from Wolves and Robbers. Which Service was adjudged to be the Service of a Great Serjanty. In this case, the Court of Exchequer ordered that Search be made in the Rolls, to find the yearly value of the said Castle and Manour. Upon Search, it was found, in one of the Books of Knights Fees, in the custody of the Kings Remembrancer, that *Gilbert de Humframvill* held *Reddesdall*, *per Regalem potestatem*, by Royal Power (c). It may be enquired, what

terra prædictis —. Et super hoc idem Sampson dat Domino Regi ii s, de relevio suo pro Mesuagio, & terra prædictis, cum pertinentiis. *Mich. Fines 18 Ric. 2. Rot. 4.*

(c) Northumbria, Lincolnia. De Relevio.

Walterus Tailboys Consanguineus, & hæres Gilberti Umfravill, nuper Comitis de Angos, videlicet filius Walteri Tailboys, filii Alianoræ filiae Elizabeth sororis ejusdem nuper Comitis, *was distreined to answer for Relief.*

Walter *came*. Et cognovit se tenere, & dictum Robertum Umfravill tenuisse, die quo obiit, prædicta Castrum de Herbotell, & Manerium de Oterburn, de Domino Rege in Capite, per servitium custodiendi vallem & libertatem de Riddefdale, ubi dicta Castrum & Manerium situantur, a lupis & latronibus; juxta quod servitium offert Regi relevium &c. Et quia Castrum & Manerium prædicta tenentur de Domino Rege in Capite, per servitium superius recognitum, quod quidem servitium adjudicatur servitium Magnæ Serjantiæ; in quo casu, quilibet sic tenens terras & tenementa de Domino Rege in Capite, per Magnam Serjantiam, qui debet Domino Regi relevium, pro terris & tenementis sic de Domino Rege tentis in Capite per Magnam Serjantiam, tenetur dare

Domino Regi tantum de relevio suo, pro terris & tenementis sic de Domino Rege tentis in Capite per Magnam Serjantiam, quantum terræ & tenementa illa valeant per annum, in omnibus exitibus suis, juxta verum valorem eorundem. Ideo fiat scrutinium pro Rege, ut sciatur, quid videlicet & quantum, Castrum & Manerium prædicta, cum pertinentiis valebant, tempore mortis dicti Roberti, &c. Et facto scrutinio super præmissis, &c. *it is found by an Escheatours Inquisition*, —, quod dicta Castrum de Herbotell & Manerium de Oterburn, tunc valebant per annum vi l xix s viii d ob. & non plus, propter guerram inter dictum Dominum Regem nunc, & inimicos suos Scociæ. Scrutatis etiam ulterius Rotulis pro Rege, Compertum est in libro Feodorum hujus Scaccarii, in custodia alterius Rememoratoris existente, in Comitatu Northumbriæ, sub titulo Redesdal, inter cætera sic, G de Humframvill tenet Redesdale per Regalem potestatem. Quibus compertis, & per Barones diligenter visis & examinatis, Consideratum est, quod prædictus Walterus Tailboys, oneretur erga Regem de vi l xix s viii d ob. de relevio suo, pro Castro & Manerio prædictis, prætextu cognitionis suæ prædictæ & aliorum præmissorum. *Mich. Fines 17 Hen. 6. Rot. 1. b.*

what was meant by *Royal Power*. There was no species of Tenure in *England*, known by the name of *Tenure by Royal Power*. Therefore I do humbly apprehend, that in this case the Tenure was by Barony, accompanied with the full Power of a Lord Marcher foreagainst *Scotland*; like that Baronial Power, which was anciently vested in the Earl of *Chester* for the time being, or some other great Lord-Marcher foreagainst *Wales*.

In the twentieth year of K *Henry VI*, *John Baker* held certain land in *Kent*, of the King *in Capite*, by the Service of holding the Kings Head in the Ship, between *Dovor* and *Whitsand*, when the King went over the Sea there: Which Service was adjudged to be *Grand Serjanty* (d).

In the twentieth year of K *Henry VI*, *John Love* held the Manor of *Bentelegb* &c. of the King in Chief, by the Service of keeping the *Haye* of *Bentelegb*: Which Service was adjudged to be the Service of a Grand Serjanty (e).

In the same twentieth year, *John Wanstede* acknowledged in the Court of Exchequer, that he held in his demeane as in fee, a Mesuage and certain lands in *Wanstede*, of the King *in Capite*, by the service of finding one Hobeler in the Kings Castle of *Portchester*

(d) *Kancia*. Roger Twysden and Agnes his wife una filiarum & hæredum Johannis Baker, held certain land de Domino Rege in Capite, per servitium tenendi caput Regis in navi inter *Dovorriam* & *Whitsand*, cum pertransierit mare ibidem. —. Et quia dictum servitium tenendi caput Domini Regis adjudicatur servitium Magnæ Serjantiæ, the parties were to give to the King for their Relief one years value. *Hil. Fines 20 Hen. 6. Rot. 1. a.* The other heiress of Baker and her Husband are charged to the King for Relief for this Serjeanty in like manner; *Ib. Rot. 1. b.*

(e) *Staffordscira*. John Love was summoned into the Exchequer to answer for his Relief. He appeared, Et cognovit se modo tenere, & dictum Ricardum Love patrem suum tenuisse, de Domino Rege in Capite, die quo obiit, dictum Manerium de *Bentelegb*.

una cum Balliva prædicta, per servitium custodiendi Hayam de *Bentelegb*. Quod quidem servitium adjudicatur servitium Magnæ Serjantiæ. In quo casu quilibet sic tenens aliqua terras & tenementa de Domino Rege in Capite per Magnam Serjantiam, qui debet Domino Regi Relevium pro terris & tenementis sic de Domino Rege tentis, tenetur dare Domino Regi tantum de Relevio suo, pro terris & tenementis sic de Domino Rege tentis in Capite per Magnam Serjantiam, quantum terræ & tenementa illa valent per annum in omnibus exitibus suis, juxta verum valorem eorundem. Search was made to Find what was the true yearly value. The yearly value appeared, in an Escheators Accompt, to be lvijs vid. And that sum was given to the King for Relief in this case. *Mich. Fines 20 Hen. 6. Rot. 2. b.*

chester for eight days, at his own cost in time of war, and of paying yearly to the King *x s.*, by the hand of the Constable of the said Castle: Which Service of finding a Hobeler is adjudged to be the Service of a Grand Serjanty (*f*).

In the thirtieth year of K *Henry VI*, *Robert Aleyn* held the Manour of *Erlham* of the King in Chief, by the Service of Grand Serjanty (*g*).

In

(*f*) *Suhamtesire*. Johannes Wanstede filius & hæres Johannis Wanstede defuncti ——. Et cognoscit se modo tenere, & dictum Johannem patrem suum tenuisse, die quo obiit, in domino suo, ut de feodo, unum Mesuagium cum curtillagio *and other lands* in Wanstede, de Domino Rege in Capite, per servitium inveniendi unum hobolerium in Castro dicti Domini Regis de Porchestre, per octo dies ad cultus suos proprios tempore guerræ, & solvendi annuatim Domino Regi per manus Constabularii Castri prædicti *x s.* Et quia dictum servitium inveniendi unum hobolerium adjudicatur servitium Magnæ Serjantiæ. In quo casu quilibet sic tenens *was to give the King for Relief one years value of his land. One years value was found to be xv s. viii d. Which sum he gave for Relief. Hil. Fines 20 Hen. 6. Rot. 2. a.*

(*g*) *Norfolcia*. Robertus Aleyn filius Roberti Aleyn senioris defuncti, districtus fuit effendi hic ad plures dies præteritos, & tandem in Craſtino Sancti Michaelis hoc termino, ad respondendum Domino Regi de relevio suo, pro Manerio de Erlham in Comitatu Norf[olciæ], quod prædictus Robertus Aleyn senior defunctus tenuit de Domino Rege in Capite, die quo obiit, in Dominico suo, ut de feodo, & pro quo prædictus Robertus filius fecit Domino Regi nunc fidelitatem, primo die Decembris anno regni sui quintodecimo, sicut continetur in Rotulo de releviis, & Originali de dicto anno quin-

todecimo, rotulo *xº*. Et ad prædictum Craſtinum Sancti Michaelis, prædictus Robertus Aleyn filius venit hic in propria persona sua; Et cognovit se tenere, & dictum Robertum patrem suum tenuisse, de Domino Rege in Capite, die quo obiit, Manerium prædictum, per servitium Magnæ Serjantiæ; In quo casu quilibet sic tenens aliqua terras & tenementa de Domino Rege in Capite per Magnam Serjantiam, qui debet Domino Regi relevium pro terris & tenementis sic de Domino Rege tentis, tenetur dare Domino Regi tantum de relevio suo, pro terris & tenementis sic de Domino Rege tentis in Capite per Magnam Serjantiam, quantum terræ & tenementa illa valent per annum, in omnibus exitibus suis juxta verum Valorem eorundem. Ideo scrutetur pro Domino Rege, ut sciatur quid videlicet & quantum Manerium prædictum cum pertinentiis val[et] per annum, in omnibus exitibus suis juxta verum valorem ejusdem. Et unde scrutatis Rotulis, &c. Compertum est in compoto Henrici Grey nuper Escaetoris Regis in Comitatibus Norf[olciæ] & Suff[olciæ], de anno quartodecimo Regis nunc, quod dictum Manerium de Erlham cum pertinentiis tunc valeb[at] per annum in omnibus exitibus suis, *lis viii d.* Quibus compertis, dictus Robertus Aleyn dat Domino Regi *lis viii d.* de relevio suo prædicto, juxta servitium per ipsum superius recognitum. *Mich. Fines, &c. 20 Hen. 6. Rot. 2. a.*

In the seventh year of K Henry VII, John Baldwyn held the Manor of *Oterarsfee* in *Aylesbury*, and other Lands there, of the King [in Chief] in Socage, by the Service of finding Litter for the Kings Bed, to wit, in Summer, Grass, or Herb and two Grey-geese, and in Winter Straw, and three Eels, thrice in a year, if the King should come thrice in a year to *Aylesbury* (b).

Grand Serjanties.

Some Grand Serjanties were very like unto Knight-service. For instance, the Sergeanty of *John de Perton*, and of *Robert de Umfravill* mentioned just above; and likewise the several Sergeanties following; namely, of *John Corne* (i).

And

(b) Buk. Johannes Baldwyn frater & hæres Ricardi Baldwyn, dat Domino Regi vis viii^d, de relevio suo, pro quodam Manerio in Aylesbury vocato Oterarsfee, ac uno Mesuagio, xlv acris terræ, & decem acris prati, cum pertinentiis in Aylesbury prædicta, quæ de Domino Rege tenentur in focagio, per servitium inveniendi litteram ad lectum Domini Regis, ac stramen & herbam ad ornandum hospitium Domini Regis, ter in anno, si tociens apud Aylesbury prædictam venerit, videlicet in æstate herbam ob causam prædictam, & duas Gantas, & in Yeme stramen & tres Anguillas; Ita quod sex Gantæ, vel novem Anguillæ, essent in anno, si Rex ter in anno illuc venerit; sicut idem Johannes recognovit, & sicut continetur alibi in hiis Memorandis, videlicet inter Recorda de hoc termino, Rotulo ix^o. Et unde scrutatis Rotulis pro Rege, &c. Compertum est in Memorandis de anno xviii^o Domini E nuper Regis Angliæ primi, videlicet inter Fines de termino Sancti Michaelis, quod Willelmus filius Willelmi, hæres Magistri Ricardi de Aylesbury, simili modo oneratus fuit de relevio suo pro terra prædicta. *Mich. Fines* 7 Hen. 7. Rot. 3. b.

(i) Serjantia Johannis Corne de Buef in Mulesham, pro qua debuit esse cum Domino Rege in exercitu suo in Anglia & Marchia, cum duobus equis & una balista, per xl dies, ad custum proprium, alienata est. *Rot. Serjantiarum ex parte Remem. Thes. Rot.* 5. tit. Comitatus Suffolkiæ.

Comitatus Buk. Serjantia Willelmi de Parys in Aston & Clinton, pro qua debuit invenire Domino Regi unum Servientem cum duobus equis, per xl dies, ad custum proprium, in exercitu suo ubicumque ierit, alienata est in parte. *Rot. Serjantiarum, ex parte Remem. Thes. Rot.* 2.

Comitatus Oxonia. Serjantia Thomæ Bifin & Willelmi filii Arnoldi in Nethercote, pro qua debuerunt communiter invenire Domino Regi unum Servientem armatum equitem, per xl dies, in exercitu suo, ad custum proprium, alienata est in parte. *Rot. Serjantiarum ibid. Rot.* 3.

Serjantia Ricardi Danesfy in Bretton & Dultun, pro qua debuit custodire Lardariam Domini Regis, alienata est in parte. Et sciendum, quod dictus Ricardus mutavit servitium suum prædictum in aliud sine warento, videlicet ad inveniendum Domino Regi unum servientem

And on the other side, there were some Grand Serjanties which had no kind of Knight-service belonging to them.

William de Aquilon was charged with Efcuage. But it was found by an Enquest of twelve Knights, that *William* did not hold by Knight-service, but by the Serjantery of finding a Cook at the Kings Coronation, to dress Victuals in the Kings Kitchen (*k*).

In the tenth year of K *Edward* III, *Isabell* the Eldest, *Eynecia*, of the Daughters and Heireffes of *Bartholomew Davyllers*, made fine to the King in xls, for Relief for her purpart of the Manour of *Brom* in *Suffolk*, which together with the Manour of *Erwarton*, is holden of the King in *Capite*, by the Service of leading all the Foot soldiers of *Norfolk* and *Suffolk*, into the War against *Wales*, to wit, from *St Edmunds Ditch* near *Newmarket*, whithersoever the King pleased, in the said War with *Wales*; taking iiii *d* for each Man for his expences for xl days, and after xl days *Bartholomew* and the said Men were to continue at the Kings charges. For this purpart, to wit, for the fourth part of the said Manour of *Brom*, the said *Isabell* made Homage to the King in the fifth year of his reign (*l*)

Sire

servientem equitem & armatum, in exercitu suo in Anglia, per quadraginta dies, ad custum proprium——.

Et est summa dictarum alienationum, viii *l* xv s iiii *d*. Et dictus Ricardus fecit inde finem, pro se & dictis tenentibus, de consensu eorundem, videlicet per annum x marcae. Ita quod praedicti tenentes respondeant eidem Ricardo de tertia parte valoris tenementi sui per annum; Et ipse Ricardus reddet residuum dicti finis, pro parte sua quam tenuit; eo quod mutavit servitium suum, sicut praedictum est; sine warento, & faciat servitium dimidii feodi Militis. *Rot. Serjantiarum ibid. Rot. 6.*

(*k*) *Hist. Exch. p 453. col. 2. r. sub anno 18 H 3.*

(*l*) *Suff[olcia].* *Isabella Eynecia* filiarum & haeredum *Bartholomæi filii Johannis Davyllers*, fecit finem cum Domino Rege per xls pro relevio suo de

proparte ipsam contingente, de Manerio de *Brom* cum pertinentiis in Comitatu *Suff[olciae]*, quod una cum Manerio de *Erwarton* tenetur de Rege in *Capite*, per servitium ducendi omnes homines pedites *Norf[olciae]* & *Suff[olciae]*, in guerram *Walliae*, videlicet de fossato Sancti *Edmundi* extra *Novum Mercatum*, ubicumque Rex voluerit, in hujusmodi guerra *Walliae*, capiendo de quolibet eorum iiii *d* pro expensis suis per xl dies; Ita quod post dictos xl dies, ipse & homines praedicti sumptibus Regis remanebunt; & pro qua proparte dicta *Isabella* fecit Regi homagium, xxv^o die Junii anno v^o hujus Regis, sicut continetur in Originali de eodem anno, videlicet pro quarta parte dicti Manerii de *Brom*, prout eadem *Isabella* per *Galfridum* de *Corton* Attornatum suum modo recognoscit——. *Trin. Fines 10 Edw. 3. Rot. 1. b.*

Sire Thomas Littelton saith, that in the eleventh year of K *Henry IV*, *Cokayne* Chief Baron of the Exchequer came into the Court of Common Pleas, and brought with him a Record relating to a Grand Serjanty. *William Hankeford* and the other Justices of the Common Bench declared, that the case then produced before them was a Grand Serjantie. And no doubt it was. Hereupon, *Cokayne* demanded, whether in that case the Tenant should pay one years value of the land for Relief. *Ad quod*, saith *Littelton*, *non fuit responsum* (m). As if the question asked by *Cokayne* was a Secret in the Law. Far otherwise. For it was a Thing well known and settled. A direct answer to the question may be found here above, in the several cases of *Robert de Umfravill*, *John Baker*, *John Love*, *John Wanstede*, and *Robert Aleyn*.

In the fortyfirst year of K *Henry III*, the heir of *Otto* Son of *William* held a Sergeanty in the Kings *Mint*; and was supposed to hold other lands not belonging to that Sergeanty. The said lands are called *forinfeca terra*, for that reason; because they were Foreign; not belonging to the said Sergeanty (n).

(m) *Tenures*, Lib. 2. ch. 8. sect. 157.

(n) Pro hærede Ottonis filii Wilhelmi.

Rex mandat Baronibus, quod scrutatis Rotulis de Scaccario sine dilatione scire faciant, quam & cujusmodi bailliam Otto filius Willelmi, qui mortuus est, habuit circa custodiam Cunei Regis in Anglia, & utrum in feodo habuit illam bailliam, vel ex gratia, seu ad terminum vitæ suæ, Et per quod servitium bailliam illam tenuit, Et quis propinquior hæres ejus sit, & cujus ætatis, Et utrum idem Otto aliquam forinfecam terram tenuit de Rege, & quantam, & ubi, & per quod servitium &c. Breve est in forulo Mar[escalli]. *Trin. Communia* 41 *Hen.* 3. *Rot.* 15. b.

N Abbas & Monachi de Stanlega juxta Chipeham reddunt compotum de dimidia marca, ut scribatur in Magno Rotulo, quod Micael, filius

Hundreds,
Reginaldi de Cnoel recognovit coram Baronibus de Scaccario, quod ipse assensu Everardi fratris sui, concessit & tradidit prædictis Abbati & Monachis totam terram suam de Childecnol cum pertinentiis ad feodi firmam, tenendam libere & quiete de se & hæredibus suis in perpetuum, pro duabus marcis annuatim reddendis duobus terminis anni, scilicet, infra Octabas Paschæ & infra Octabas Sancti Michaelis, pro omni servitio ad ipsum Michaellem vel hæredes suos pertinente, Salvo redditu Capitalis Domini & hæredum suorum, quem idem Monachi solvent annuatim, & salvo forinfeco servitio, & quod pro hac concessione prædicti Abbas & Monachi dederunt ipsi Micaeli xxxv marcas, prædicto Fratri suo dimidiam marcam, Et quod ipse Micael & hæredes sui debent warantizare prædictam terram prædictis Monachis, & quod ipse Micael & E frater suus affidaverunt in manu H Cantuariensis Archiepiscopi

S f f hanc

Hundreds, Offices, &c. might also be holden of the King *in Chief*.

In the one and twentieth year of K *Edward III*, it is said in a Patent Letter, that the Earl of *Warene* held the third part of the Toll of the Town of *Suthwerk*, and a certain part of the Toll of the Town of *Guldeford*, of the King *in Capite*, as parcel of the Earldom of *Surrey* (o).

In the reign of K *Edward III*, *Thomas le Brut* held of the King *in Capite*, the Custody of the Kings Forest of *Blakemore* by Serjanty, and by the Service of yielding to the King four shillings a year, by the hands of the Sherif of *Dorsetshire* for the time being (p).

In

hanc Conventionem fideliter tenendam; In thesauro liberaverunt, Et *Quieti* sunt. *Mag. Rot. 3 Job. Rot. 6. b.* Wiltescira.

Margareta uxor Hugonis Malet [debet] dimidiam marcam, ut scribatur in Magno Rotulo, quod prædictus H vir suus, voluntate & assensu Radulfi filii & hæredis sui, dedit & carta sua confirmavit ei in dotem, medietatem totius terræ suæ de Yrebi cum omnibus pertinentiis ad eandem terram pertinentibus, Salva donatione Ecclesiæ ejusdem Villæ de Yrebi, quam ipse & hæredes sui in manu sua retinuerunt, & quod dedit ei medietatem prati sui de Cotes, & duas Bovatas terræ in Rowell, quas Rogerus Beneit tenuit, & tria tosta ad Mesuagium in Villa de Yrebi, videlicet Toftum quod Ricardus filius Radulfi tenuit, & toftum quod Willelmus le Waleis tenuit, & toftum quod Robertus Corbel tenuit, & quod ipsa tenebit prædictam terram cum pertinentiis libere & quiete, Salvo forenfi servitio, quantum pertinet ad ipsum tenementum, & forenfi servitio, quod ipsa faciet de una bovata terræ quam de Abbate de Grimesbi tenuit, scilicet de medietate ejusdem bovatae. *Mag. Rot. 2 Job. Rot. 6. b. post Linc.*

— Ego vero Roysa & hæredes mei prænominatas Moniales de Regali servicio quod ad dictum Manerium pertinet, & de Forinscco, & omni Taylagio versus omnes gentes imperpetuum acquietabimus. *Ex charta Originali Roysæ de Verdona, nempe charta ipsa Foundationis Monasterii de Gracedeu, extante in archivo Curiae Augmentationum quod est in Palatio Regio Westmonasterii.*

(o) Surreia. *The Earl of Warene held the tertiam partem tolneti villæ de Suthwerk, & quandam partem tolneti villæ de Guldeford, de nobis (viz. of the King) in Capite, ut parcellam Com[itatus] Surreiæ. Originale 21 Edw. 3. Rot. 23.*

(p) Dorset[eta]. Memorandum quod compertum est in Originali de anno xlv^o Regis E tercii, videlicet avi Domini Regis nunc, Rotulo videlicet xix^o quod pro eo quod idem Dominus Rex avus, accepit per Inquisitionem quam per Willelmum Cheyne nuper Escactorem ejusdem Regis avi, in Comitatu Dorsetæ fieri fecit, quod Thomas le Brut de Blakemore defunctus, tenuit in dominico suo, ut de feodo, de dicto Rege avo in Capite, die quo obiit, in Comitatu prædicto, custodiam forestæ ejusdem Regis avi de Blakemore, per

In or about the eighteenth year of K *Richard II*, *John Gernon* held the Manour of *Estthorp* in *Essex* of the King *in Chief*, by the Service of one Knights fee, and the Hundred of *Lexeden* in *Essex* of the King *in Chief*, by the service of rendring to the King liii s iv d a-year, by the hands of the Sherif of *Essex* for the time being (q).

In the eighteenth year of K *Richard II* it was alleged in Pleading, that certain Burgage-houses in the Town of *Burton* were holden of the King *in Capite*, like as the whole Town of *Burton* was held (r). Several other Cities and Towns were said to be holden

per serjantiam, & per servitium reddendi eidem Domino Regi avo quatuor solidos ad Scaccarium suum, per manus Vicecomitis Comitatus prædicti, qui pro tempore fuerit —.

Et ad prædictum crastinum S Michaelis, prædictus Radulfus [filius prædicti Thomæ] non venit; set postmodum videlicet post defaultam intratam prædictus Radulphus venit hic per Johannem Hornesbogh attornatum suum. Et cogn[ovit] se tenere de Domino Rege nunc, & prædictum Thomam patrem suum tenuisse, in dominico suo ut de feodo, de dicto Rege avo in Capite, die quo obiit, custodiam prædictam cum pertinentiis, per servitium custodiendi medietatem forestæ prædictæ, & per servitium reddendi Regi iiii s per annum ad Scaccarium suum, per manus Vicecomitis dicti Comitatus Dotsetæ, qui pro tempore fuerit. Juxta quod servitium offert Regi relevium, pro custodia prædicta cum pertinentiis —. Et super hoc idem Radulphus dat Domino Regi viii s de relevio suo, pro custodia prædicta cum pertinentiis; *One Ralf Bret his ancestor having been formerly charged with that sum for Relief for the said Custody. Mich. Fines 18 Ric. 2. Rot. 4.*

(q) *Essexia*, *Derb[iscira]*. — Et prædicti Johannes de Peyton & Margareta uxor ejus pro seipsis bene cognoscunt,

quod ipsi tenent—, & præfatum Johannem Gernon tenuisse in dominico suo, ut de feodo, die quo obiit, Manerium de *Estthorp*, cum pertinentiis in Comitatu *Essexiæ*, de Domino Rege in Capite, per servitium unius feodi Militis, & Hundredum de *Lexeden*, cum pertinentiis in eodem Comitatu *Essexiæ*, de Domino Rege in Capite, per servitium reddendi eidem Domino Regi liii s iiii d per annum, per manus Vicecomitis dicti Comitatus *Essexiæ*, qui pro tempore fuerit; juxta quæ servicia offert Regi relevium, &c. *Relief was paid accordingly. Mich. Fines 18 Ric. 2. Rot. 4. b.*

(r) *Stafford[scira]*. Memorandum, quod compertum est in Rotulo de particulis compoti Johannis Delvis, nuper *Escaetoris Regis* in Com[itatibus] *Salopiæ*, *Staffordiæ*, ac *Marchia Walliæ* eidem Comitatibus adjacentē —, anno regni ejusdem Regis [Ricardi secundi] xviº, quod idem nuper *Escaetor* non respondet in compoto suo prædicto, de aliquibus exitibus unius tenementi in villa de *Burton*, quod Johannes de *Ipstoke*, quondam Abbas de *Burton* ultimus prædecessor Thomæ de *Southam* nunc Abbatis & ejusdem loci Conventus, qui pro tunc fuerunt, qui tenementum illud tenuerunt, de Rege in Capite, ut parcellam villæ prædictæ dimiserunt Henrico le Smyth,

holden of the Crown *in Capite*. I have published instances thereof in another Book (s).

Frankalmoigne.

Early after the *Norman Conquest*, *William Constable of Chester* granted Lands in *Periton* and *Claior* to the Abbot and Convent of *Westminster* in *Frankalmoigne* (t).

A Frankalmoigne was granted by Writ or Memoria.

Roger Earl of *Moriton* made a *Memoria* or Writing to the Canons of *St Martin London*, for himself and his wife, to wit, that the Earl and his wife, should have the Service and Prayers of the said Church. And of his Piety he granted to the said Church and the Seniors there, his Protection and Aid, and *paission*

Smyth, sine licentia Regis, tenendum sibi libere ad terminum vitæ suæ, per quod servitium ignoratur —. nec, quod idem nuper Escaetor respondet in compoto suo prædicto, de aliquibus exitibus dimidii burgagii scituati in villa prædicta —, quod quidem dimidium burgagium tenetur de Rege in Capite, ut parcella villæ prædictæ, per quod servitium ignoratur —. nec quod idem nuper Escaetor respondet in compoto suo prædicto, de aliquibus exitibus unius burgagii, & unius grangiae scituat in villa prædicta —, quæ quidem burgagium, & grangia tenentur de Rege in Capite, ut parcella villæ prædictæ —, *several other Tenements there are said to be holden thus. Trin. Communia 18 Ric. 2. Rot. 19.*

(s) *Firma Burgi.*

(t) Tallagium de *Teinis* & *Dren-gis*. Idem Vicecomes debet viii l, & xiiii s & x d, de dono terræ *Walteri Bolebec* in *Northumberland*. *Mag.*

Rot. 1 Ric. 1. Rot. 14. b.

H Rex Angl[orum], Justiciis, Vicecomitibus & omnibus Ministris suis de *Oxenefordscira*, salutem. Præcipio quod Prior & Monachi de *Harlea* teneant terram suam in *Peritona* & in *Claiora*, quam *Herebertus Abbas Westmonasterii* & Conventus eis dederunt, ita bene & libere & quiete de omnibus consuetudinibus, sicut *Willelmus Constabularius Cestriæ* eam dedit in elemosina Ecclesiæ de *Westmonasterio*. Et præcipio & firmiter defendo, ne ullus super hoc eis inde forisfaciat, vel etiam manum in ea extendat, nisi per Priorem & Monachos Ecclesiæ de *Herleia*, nec injuriam eis inde inferat vel contumeliam, set perhenniter ad sustentacionem monachorum libere & quiete remaneat. Teste *Ricardo Basset* apud *Wdestoc*. *Ex autographo in archivo Ecclesiæ Collegiatæ Westmonasterii. Sigillum ab olim insutum fuit linteolo.*

son yearly for c hogs, in any place in his Woods which shall be found most proper (u).

Protections from a Bishop.

IN the reign of K Henry II, Hilary Bishop of Chichester issued a Precept under his Seal, to William Fitz-Gervase and Master Serlo. It setteth-forth, "That the Bishop remembered, that
"William Fitz-odo did, for the health of his Soul, grant in the
"Bishops presence, to the Church of St Peter of Perham, and to
"Alberic the Bishops Clerk, one virgate of land quit of all secular service. Wherefore the Bishop commandeth the said William Fitz-Gervase and Master Serlo, that they do not exact any
"Secular service from the said virgate, nor turn a Frankalmoigne
"into Servitude (w).

(u) Hæc est memoria quam R Comes de Moriton assumpsit de Canonicis Sancti Martini, pro se & uxore sua, quæ finita est abere servitium semper & orationes Ecclesiæ, sicuti prolocutum est; & ipse sua pietate concessit Ecclesiæ & senioribus suam vim suumque auxilium, & paission quotannis c porcis, in quocunque loco suarum filvarum poterit repperiri proprius. *This is copied from the Original in the archive of the Church of Westminster. It is endorsed in an Ancient hand, B [breve] Rogeri Comitis Moretoniæ de pannagio Centum porcorum. There is now no Seal appendent. It doth not fully appear, whether it ever had a Seal. It should seem that it had. There is a small strip of parchment cut from the bottom, to tie the Writ when folded-up.*

(w) Hilarius Dei gratia Cicestrensis Episcopus, Willelmo filio Gervasii & Magistro Serloni, salutem. Nos recolimus, quod Willelmus filius Odonis sub nostra præsentia concessit & dedit Ecclesiæ Sancti Petri de Perham, unam virgatam terræ liberam & quietam ab omni servicio seculari, & eam

pro salute animæ suæ & parentum suorum eidem Ecclesiæ, & Alberico Clerico nostro, quietam per manum nostram donavit. Unde discretionis vestræ mandamus, quatinus de eadem virgata terræ nullum seculare servitium exigatis, nec elemosinam in servitutem redigatis. Valete. *Taken from the Original in the Archive of the Collegiate Church of Westminster. Upon a Canton of parchment cut from the bottom of this Charter, there hangeth an Oval Seal of yellow wax; bearing a Bishop in his Habit, in the usual Posture of giving Benediction.*

Abbas de Oseneia reddit compotum de dimidia marca, ut tenor cartæ Matildis Imperatricis Matris, H Regis avi Regis scribatur in Magno Rotulo. Cujus tenor est, quod prædicta M Imperatrix dedit Canonicis de Oseneia, in perpetuam elemosinam Præbendam illam lx solidorum, quem Peverell Presbiter habuit & tenuit, scilicet in Bensinton xxiiii s, & in Benton xxiiii s. Et in Hedendon xii s & ut, quod illam Præbendam teneant bene & in pace, libere & honorifice, sicut unquam aliquis eam melius & honorabilius

T t t

rabilius

In the year 1226, *Guy de Daon* made a Donation of a Rent issuing out of his Mills of *Folmuchon*, to the Abbaye of *la Roë in puram & perpetuam eleemosynam* (x).

In the year 1227, *Margarite de Sablé* granted a Pressoir and certain Vineyards to the Nuns of *Bonlieu*, in *perpetuam & puram eleemosynam* (y).

Drengage.
It seems to
have been a
base Tenure.

But concerning *Drengage*, I cannot speak distinctly (z).

Tenure

rabilius tenuit. Et, quod Rex Henricus eandem Præbendam lx solidorum eisdem Canonicis, carta sua confirmat per eadem verba. Et quod Rex Johannes eis eandem Præbendam confirmat in liberam & perpetuam elemosinam. Et ut similiter innotuletur, quod consideratum est per Barones de Scaccario, quod Comes de Warewic & Comitissa de cætero reddant prædictis Canonicis xlii s, annuatim, quos xlii s percipere consueverunt aliquando per manus Vicecomitis Oxoniæ, quos debent habere de Manerio de Hedendon. In thesauro liberavit, Et Quietus est. *Mag. Rot. 12 Hen. 3. tit. Oxonia.*

(x) *Histoire de Sablé*, p 409.

(y) *Histoire de Sablé*, p 409.

Theigni & Firmarii Honoris de Lancastria reddunt compotum de l marcis pro habenda pace ne transfretent: In thesauro liberaverunt, Et Quieti sunt. *Mag. Rot. 3 Job. Rot. 20. a. Lancastria. sub titulo, De Finibus & Scutagiis Militum.*

De Taillagio Theinorum Lancastriæ per G filium Petri ne transfretent.

Idem Vicecomes reddit compotum de v marcis, de Wilhelmo de Furnel-*l*[is] de eodem; Et de xld de *Que- nild* de Kierkelade de eodem; In thesauro liberavit, Et Quietus est. *Ran- nulfus* filius *Rogeri* r c de xs & viiid de eodem, In thesauro viiis & vid, Et debet iis & iid. *Gilebertus* de *Nor- ton* reddit compotum de vs & viiid de eodem; In thesauro vs, Et debet viiid. *Wilhelmus* filius *Wilhelmi* r c de ii marcis de eodem; In thesauro dimidia marca, Et debet xxs. *Gileber-*

tus de Croft debet i marcam de eodem. *Robertus* filius *Roberti* debet dimidi- am marcam de eodem. *Wilhelmus* de *Nevill* debet xxs de eodem. *Hugo* *Bu- issel* debet vi marcas de eodem. *Hugo* *le Norreis* debet ii marcas de eodem. *Mag. Rot. 6 Job. Rot. 1. m. 1. a.*

Nova Oblata. *Hugo* *Buissel* & *Robertus* *Buissel* reddunt compotum de cccc marcis, pro habenda terra sua de *Penwrcham*, cum pertinentiis, unde idem *Hugo* dissaisitus fuit per placitum, quod erat inter ipsum & prædictum *Robertum*; In thesauro xx l, Et debent ccc & lxx marcas. *Mag. Rot. 6 Job. Rot. 1. m. 2. a. Lancastria.*

Et de viiis, de *Henrico* de *Hoiland* in *Ribbelton*, in *Theinagio*. Et de viiis de *Elya* de *Hoton*, de dimidia carrucata terræ in *Middelwerwe* de *Theinagio*, Et de xs de hærede *Arthuri* de *Astone*, de i carrucata terræ in *Aston*, de *Drengagio*, Et de iis, de *Alano* de *Singelton* in *Billesburc* in *Drengagio* and so of others the like. *Mag. Rot. 11 Hen. 3. Rot. 1. a. tit. Lancastria.*

Thayni de Comitatu Lancastriæ, reddunt compotum de l marcis, ut quieti sint hac vice de tallagio, quod Rex super eos affidere præcepit. *Mag. Rot. 13 Hen. 3. titulo, Lancastria.*

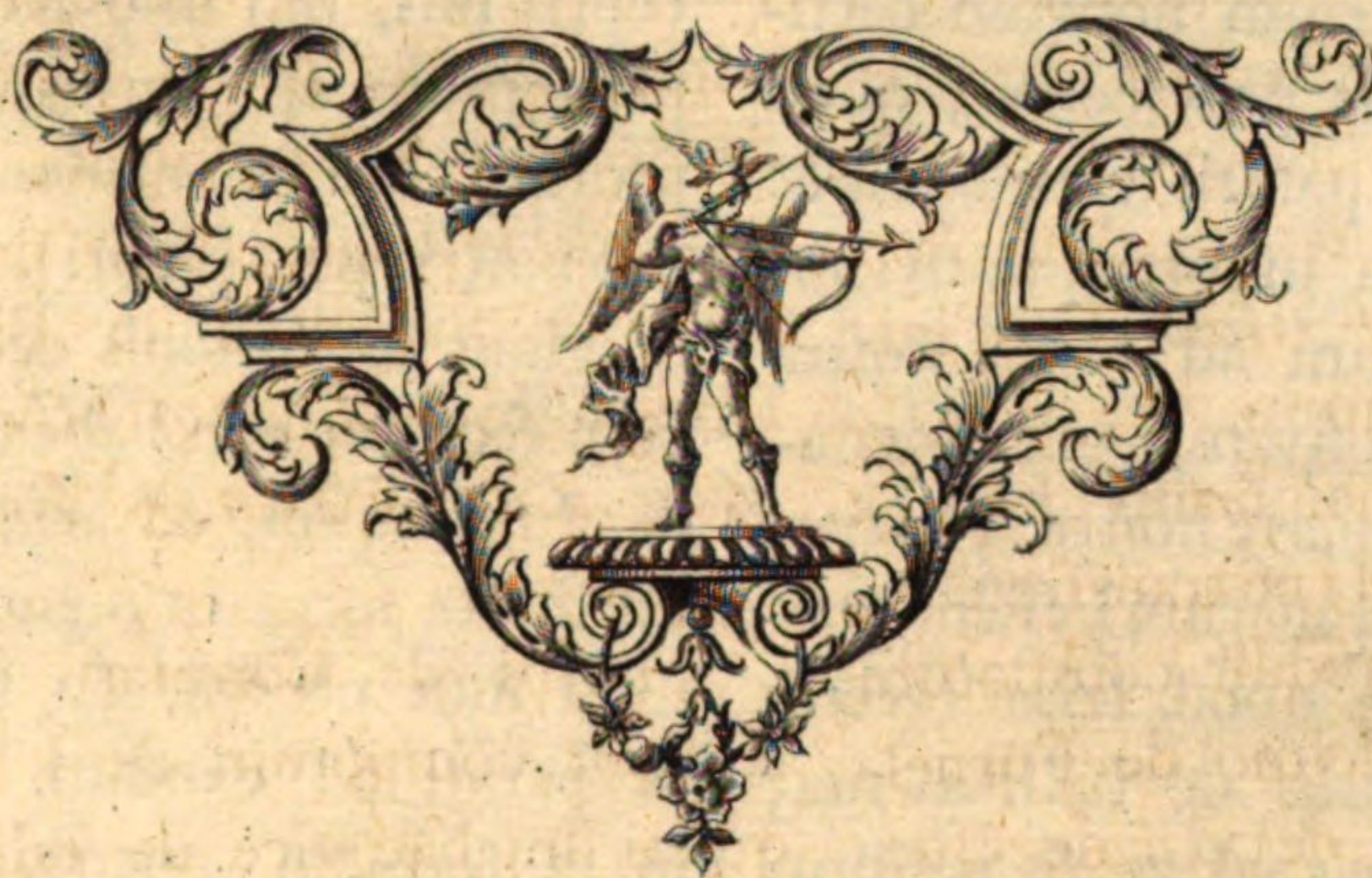
Idem Vicecomes [sc. *Wilhelmus* de *Vesci*] reddit compotum de quater xx & xvi libris, de *Dono* Militum & *Tainorum*. *Mag. Rot. 5 Hen. 2. Rot. 2. b. Tit. Norumberland. Nova Placita & Novæ Conventiones.*

(z) Et in defalta redditus constituti
Drengorum,

Tenure de Deo & Sole.

SOME men when they would assert, that such *Ruler* or *Rulers* have an Independent authority, have affected to say of them, that they *hold de Deo & Sole, of God and the Sun*. It ought to content them to say, that they *hold of God*: But when they add *of the Sun*, they apply terms that are deceitful and dangerous. The Sun is Inanimate; not having a Mind or Intelligence. It imparteth Light and Heat, but by no means Power or Authority. And no Christian man believeth, that *Moloch* or any other pretended Deity resideth in it; or that God and the Sun have a joint empire over Mankind. Upon the whole, it is my humble opinion, that these terms, *to hold of the Sun*, ought to be rejected as rash and capricious.

Drengorum, quem Hugo de More-
vill vertit in liberum servitium, xii s
& vid per prædictum breve [i. e. Re-
gis]. *Mag. Rot. 24 Hen. 2. Rot. 5. b.*
Westmarieland.



CHAPTER VI.



Have taken some notice in the *History of the Exchequer* (a), of the Kings Summonce *ad habendum servitium*. I will here add a few precedents concerning it.

In the three and twentieth year of K *Edward* I, writs were sent to the Sherifs of the several Counties of *England*, commanding them to give notice to all Knights and others having forty pounds *per annum* of Land or Rent, to march with horses and arms into the Kings Service (b).

In

(a) *Hist. Exch.* p 455, 456, 457.

(b) Rex Vicecomiti Roteland[ia] salutem. Cum sexto die Maii, proximo præterito tibi præceperimus, quod sine dilatione sciri faceres singulis, de balliva tua, tam Militibus, quam aliis habentibus quadraginta libratas terræ, & redditus per annum, & amplius, juxta inquisitiones coram te per præceptum nostrum, inde factas, de quorum nominibus Thesaurarium nostrum certificasti, ut sibi tales providerent, quod prompti essent & parati, cum equis & armis ad eundum in obsequium nostrum & morandum ad vadia nostra ad voluntatem nostram, quodocunque super hoc ex parte nostra, per spatium trium septim[anarum] essent præmuniti, & etiam quod scire faceres omnibus & singulis de balliva tua, quadraginta libratas terræ, & redditus per annum non habentibus, si infra summam illam, dum tamen haberent equos & arma, quod ad nos in forma prædicta per præmunionem hujusmodi venirent, si vellent nobiscum in obsequio nostro ad nostra vadia moraturi, prout in mandato nostro prius inde tibi directo plenius continetur. Nos certis de causis, scire volentes

qualiter prædicti sic per te præmuniti de equis & armis sint provisi, tibi præcipimus in fide & dilectione, quibus nobis teneris, firmiter injungentes, quod omni dilatione & excusatione postpositis ad certos diem & locum, quos ad hoc provideris, venire facias, coram te in præsentia tua omnes illos de balliva tua, quadraginta libratas terræ, & redditus, & amplius sic habentes, exceptis hiis, qui in obsequio nostro, per præceptum ad partes Vasconia sunt profecti, & in Comitiva Edmundi fratris nostri prof[ecuti], exceptis etiam religiosis & personis ecclesiasticis, laicum feodum non habentibus, ad ostendendum equos, & arma sua, de quibus juxta formam mandati nostri prædicti sunt provisi, & si sint prompti & parati ad eundum in obsequium juxta formam præmunionis prædictæ. Præcipimus etiam tibi, quod per totam ballivam tuam publice proclamari facias, quod omnes & singuli de balliva tua, qui non habent quadraginta libratas terræ & redditus per annum, si infra summam illam, dum tamen habeant equos, & arma, & nobiscum in obsequio nostro, ad nostra vadia morari voluerint, sint coram te

ad

In *England* after the *Norman Conquest*, when a Feoffee or Tenant had done his Homage to the King, he was said to be Ho-

ad prædictos diem & locum ad ostendendum equos, & arma sua. Et de nominibus tam illorum, quos sic provisos, promptos & paratos inveneris, quam illorum, quos non inveneris sic provisos, Thesaurarium & Barones nostros de Scaccario distincte & aperte, sub Sigillo tuo certifies sine mora. Ita, quod, inde sint certiorati in crastino Sancti Andreæ Apostoli, proximo futuro ad ultimum. Et hoc sicut indignacionem nostram vitare, & te indempnem servare volueris, nullatenus omittas. Et habeas ibi tunc hoc breve. Teste W de Langeton Thesaurario nostro apud Westm[onasterium] xix^o die Octobris, anno regni nostri xxiii^o.

Consimili modo mandatum est Vicecomitibus subscriptis videlicet,

Cumberland[ia], Norhumb[er]landia], Westmerl[andia], Ebor[escira], Lanc[astria], Notingh[amia] & Derb[ia], Warr[ewicus] & Leyc[estria], Som[erseta] & Dor[seta], Wiltes[ia], Salop[ia] & Stafford[ia], Hereford[ia], Gloucestr[ia], Wigorn[ia], Northampton[ia], Bed[fordia] & Buk[inghamia], Oxon[ia] & Berk[ia], Devon[ia], Lincoln[ia], Cantabr[igia] & Hunt[ingdonia], Norff[olcia] & Suff[olcia], Essex[ia] & Hertford[ia], Kancia, London[ia] & Midd[elsexia], Surr[eia] & Suffex[ia], Suhampton[ia], Cornubia. *Mic. Communia* 23 incipiente 24 Edw. 1. Rot. 10. b.

De veniendo ad Regem. *All the Barons are sent-to.* Clausæ 27 Edw. 1. m. 11. dorso.

De eodem. Vicecomiti Ebor[acisciræ] —. *To summon all Fensibler men.* Clausæ 27 Edw. 1. m. 10. dorso.

De eodem. *Writs to the Ports.* Clausæ 27 Edw. 1. m. 10. dorso.

De veniendo ad Regem usque Kar-

liolum. Clausæ 27 Edw. 1. m. 13. dorso.

De eodem. Vicecomiti Ebor[acensibus] —. *This is in nature of a Commission of Array.* Clausæ 27 Edw. 1. m. 13. dorso.

De eodem. *This is to the Barons of the Cinque Ports.* Ibid. m. 13. dorso.

De sum[monitione] servicii Regis de Quinque Portibus. Clausæ 27 Edw. 1. m. 20. dorso.

De sum[monitione] servicii Regis. Clausæ 27 Edw. 1. m. 20. dorso.

De hominibus peditibus ducendis usque Berewycum super Twedam.

Rex dilecto & fideli suo Ricardo de Harlegh, salutem. —. Clausæ 27 Edw. 1. m. 6. dorso.

The like Letters to other persons; Ibid. juxt.

De hominibus armatis usque Berewicum mittendis per Clerum Archiepiscopatus Ebor[acensis]. Clausæ 28 Edw. 1. m. 17.

De Parlamento tenendo. *The Bishops and a few Barons are summoned.* Clausæ 27 Edw. 1. m. 8. dorso.

De veniendo cum equis & armis usque Ebor[acum]. *All the Barons are summoned.* Clausæ 27 Edw. 1. m. 8. dorso.

De eodem. Vicecomiti Ebor[acisciræ]. *To warn all armable men.* Clausæ 27 Edw. 1. m. 8. dorso.

De servicio Regis summoniendo. Clausæ 28 Edw. 1. m. 16. dorso.

De mittendo homines pedites usque Berewicum. Clausæ 28 Edw. 1. m. 17. dorso.

De monendo homines habentes quadraginta libratas terræ, quod veniant ad Regem cum equis & armis. Clausæ 28 Edw. 1. m. 16. dorso, in Cedula.

The like, Ib. m. 10. dorso.

And, Ib. m. 8. dorso.

U u u

Kancia.

mo Regis, the King's *Man* or *Homager*; when he had sworn Fealty to the King, he was said to be a *Fidelis Regis*, the King's *Foyal* man, or *homme de Foy*. And so in the case of another Lord. From the Homage he was denominated *Homo Regis*; from the Fealty *Fidelis*.

There was an ancient and splendid Family in *Normandy*, named *Crispin* or *Crispini* (c). *Teobald Crispini* wrote a Letter of Credence to K *Henry II* of *England*. In that Letter, *Teobald* sty- leth himself *vester homo*, your *Man* or *Homager*. I have caused the Letter of Credence to be copied here *verbatim*, and likewise to be engraven upon Copper. The Copper-plate is to shew the Handwriting. The Original Letter is in the Kings Treasury of the *Tower of London*. *Henrico Dei gracia Regi Angliæ, Domino Illandiae, Duci Normannie & Aquitanie, Comiti Andegavia, Teobaldus Crispini vester homo salutem & obsequium. Precor vos & diligenter exoro quatinus ex parte mea latorem præsentium credere dignemini. Valet; & qui vos valere cupiunt, convalescant (d).*

Henrico Dei gracia Regi Anglie. Inno Illandie Dux Normannie
Et Aquitanie. Comes Andegavie. Teobaldus Crispini vester ho-
mo salutem et Obsequium. Precor vos & diligenter exoro quatinus
ex parte mea latorem presentium credere dignemini. Valet &
qui vos valere cupiunt convalescant.

Since

Kancia. *A Writ of Distringas issued against Juliana de Averanches, for not coming to serve in the Kings Army, and not making Fine, upon Summonee ad habendum servitium. Mich. Brevia Retornabilia 34 Edw. I. Rot. 81. a.*

De præmunitione facta, quod Milites & alii parati sint ad arma. *It is a Writ directed to the Bishop of Bath and Wells the Kings Treasurer. Clause 23 Edw. I. m. 10. dorso.*

De veniendo, cum equis & armis usque Sandwicum ad transfretandum in Flandriam. *Clause 26 Edw. I. m. 18. dorso.*

And again, Ib. m. 17. dorso.

And Ib. m. 14. dorso.

De veniendo, cum equis & armis. *Clause 26 Ed. I. m. 11. dorso.*

The like, Ib. m. 9. dorso.

The like, Ib. m. 5. dorso. Note here, the Barons summoned are numerous.

De veniendo usque Ebor[acum], & exinde proficiscendo ad partes Scociæ. *Clause 26 Edw. I. m. 11. dorso.*

(c) *Lanfranci Opera, in appendice, p 52.*

— Vir religiosus Gislebertus Crispinus, postea Abbas Westmonasterii, & tam nobilitate generis, quam scientia seculari & divina pollens — *Will. Gemet. cap. 22. in vita W. I, Regis.*

(d) *Ebor[aciscira]. Willelmus de Ros in misericordia pro pluribus defaultis.*

Idem Willelmus summonitus fuit ad respondendum Domino Regi & Roberto de Sproxton, de placito quare cum

Since the *Norman* Invasion, when Land or other permanent estate was granted to a man in perpetuity, it was usually granted to

cum Dominus Johannes Rex Angliæ avus Regis nunc, per cartam suam, pro se & hæredibus suis, dedisset & concessisset Ricardo de Sproxton, pro-avo prædicti Roberti, cujus hæres ipse est, Manerium de Sproxton cum pertinentiis, Habendum & tenendum eidem Ricardo & hæredibus suis, de præfato avo Regis & hæredibus suis, per servitium quartæ partis feodi unius Militis, & pro una marcata redditus sibi & hæredibus suis singulis annis reddenda. Et dictus Ricardus ratione earumdem donationis & concessionis, in seifina ejusdem Manerii existens, redditum illum dicto avo Regis, secundum tenorem prædictæ cartæ, solverit, præfatus Wilhelmus asserens Manerium illud de ipso, & non de Rege, teneri, redditum illum a præfato Roberto exigit, & ipsum ea de causa graviter distrixit, & multipliciter inquietat, in Regis exhæredationem manifestam, & prædicti Roberti grave dampnum, &c. Et unde queritur, quod prædictus Wilhelmus die Lunæ proximo post festum Sancti Johannis Baptistæ, anno regni Regis nunc Ter-
ciodecimo, in campis de Sproxton cepit, & capere fecit decem boves & duos affros de Caruca, & ea adhuc detinet, & sic fecit & fieri fecit intolerabiles distractiones de anno in annum, & de die in diem, super prædictum Robertum, Ita quod terram suam non potuit arare; attrahendo sibi homagium & servitium prædicti Roberti, de prædicta terra de Sproxton, quod Domino Regi pertinet, in exhæredationem Domini Regis, & dampnum ipsius Roberti sexaginta librarum &c. & hoc offert verificare, sicut Curia consideraverit pro ipso Domino Rege & seipso, &c.

Et Wilhelmus venit, & defendit vim

& injuriam, quando, &c. Et dicit, quod prædictus Robertus tenet de eo prædictam terram suam de Sproxton, per servitium unius marcæ annuatim, & similiter Wilhelmus pater prædicti Roberti tenuit de Roberto de Ros, patre prædicti Wilhelmi, cujus hæres ipse est. Ita, quod iste idem Robertus fuit in custodia prædicti Roberti de Ros, patris ipsius Wilhelmi. Et benedicit, quod bene advocat rationabiles distractiones super prædictum Robertum, sicut super tenentem suum, eo quod prædictus Robertus non vult se justiciari versus prædictum Wilhel-
mum, sicut homo se debet justiciare versus Dominum suum, &c.

Et prædictus Robertus dicit, quod ipse tenet prædicta ten[ementa] de Domino Rege per servitium unius marcæ annuæ, & similiter per Servitium quartæ partis feodi unius militis, sicut continetur in Carta Regis Johannis facta prædicto Petro antecessori suo, & quod Dominus Rex qui nunc est, & similiter Rex Henricus pater Regis nunc, & Johannes Rex avus Regis, ab anno septimo Regis Johannis usque nunc, continuè extiterunt in seifina de prædicto Servizio. Quæ quidem Carta irrotulata est coram Domino Rege, &c. in rotulis Gilberti de Thornton, videlicet in Rotulo Sancti Hillarii, anno regni Regis nunc vicesimo primo. Et super hoc Nicolaus de Warre[wico], qui sequitur pro Rege, scrutari fecit rotulos de Scaccario, qui hoc idem testantur, ut asserit. Et prædictus Robertus dicit expresse, quod tenet prædicta ten[ementa] de Domino Rege. Et de ipso, & hæredibus suis tenere clamat. Et plane disadvocat prædictum Wilhel-
mum. Et quæsitum est de prædicto Wilhelmo, si gratis concedere velit, quod prædictus Robertus

to him in these terms, *to hold to him and his heirs, or to him and his heirs for ever*. Such Grant was commonly expressed to be *pro homagio suo*, or *pro servitio suo*, or *pro homagio & servitio suo*; and was called a *Feofment*, *Feoffamentum*, *Feffamentum*, and now and then *Feodamentum* (e); because it was a Conveyance of an estate in *Fee*, in *feudo* or *feodo*. When a Deed was made *pro homagio*, or *pro servitio suo*, and did at the same time reserve a Rent in money to the person granting, then it created a sort of a mixt estate, partly *Feodal*, and partly *Censual* or *Reditual*, that is, consisting in Rent. In strictness, so far as an estate was *Reditual*, so far it lost the nature of a *Feodal* or *Feodal* estate. However, in that case it was generally called an estate in *Fee* or *Fee-simple*; for two plain reasons; One, as by custom *Fee* was applied to signify an hereditary or perpetual estate: The other, as the *Feodal* estate was deemed more noble than the *Reditual*, and therefore might well prevail in giving the denomination. When therefore an estate in *Fee* was holden under a Rent reserved, the estate was said to be holden by *Rent-service*. Somewhat improperly. For in truth, *Rent* was not *Service*. But in regard it was to be in lieu of *Service*, men affected to call it *Service*; which was the more honourable name. And whilst an estate granted under a Rent reserved, was by custom called *Feodum*, *Fee*; the Rent was called *Rent-service*, by uniformity of speaking (f).

Robertus & hæredes sui de cætero tenant de Domino Rege & hæredibus suis. Ad quod nichil respond[et]. Et Nicolaus de Warr[ewico], qui sequitur pro Domino Rege, petit judicium de prædicto Willelmo, de occupatione sua super Dominum Regem de prædicto feodo, & similiter de hoc, quod dedit jus ipsius Domini Regis, quod est manifestum. Et quia prædictus Robertus plane disadvocat prædictum Willelmum, ut Dominum suum, Consideratum est, quod prædictus Robertus recuperet dampna sua, versus prædictum Willelmum per Curiam taxanda. Et prædictus Willelmus in misericordia. Et quoad hoc, quod prædicta loquela tangit Dominum Regem,

King
datus est dies prædicto Willelmo, de audiendo judicio suo, a die Paschæ in unum mensem, ubicunque, &c. Idem dies datus est Ricardo de Bretvill, qui sequitur pro Rege, &c. *Hilarii Placita coram Rege* 22 Edw. 1. Rot. 41. a

(e) *Hist. Excheq. cap. 15. passim.*

(f) Walterus Abbas de Waltham [debet] dimidiam marcam, ut Concordia facta inter ipsum & Rogerum de Bray, & Margaretam uxorem ejus in Curia Domini Regis, scribatur in Magno Rotulo, scilicet, quod prædictus Abbas & Conventus quietos clamaverunt prædictos Rogerum & Margaretam, de rerag[iis] servitii viii solidorum de viii annis, de terra quam prædicti Rogerus & Margareta tenent de

Abbate

King *Henry III* in the twentieth year of his reign, held his Court at *Writele*. A Final Concord was *there* made, before the
King

Abbate in Nettlewelle. Et præterea idem Abbas & Conventus relaxaverunt eisdem Rogero & Margaretæ, & hæredibus eorum, xii denarios annuatim de redditu prædictæ terræ, ita quod amodo non reddent de feodo illo nisi viis per annum. Et pro hac relaxatione dederunt prædicti Rogerus & Margareta ad Ecclesiam de Waltham x acras terræ in Campis de Nettlewell, in quadam cultura, quæ vocatur Tripleya, quietas ab omni servitio & exactione seculari; & prædicti Rogerus & Margareta concesserunt Abbatem & Conventum ejusdem loci esse quietos, de regali servitio de v virgatis terræ in Melho & Dunton, quas Abbas & Conventus tenent de eis, reddendo xv denarios de regali servitio, pro qualibet prædictarum v Virgatarum terræ, quando Rex exigit de feodo i Militis xx s, & ad plus plus, & ad minus minus; & pro hac concessione & quieto clamio & concordia, prædictus Abbas & Conventus dederunt Rogero & Margaretæ v marcas. *Mag. Rot. 7 Ric. 1. Rot. 17. b.*

Tomas Brito debet dimidiam marcam, ut scribatur in Magno Rotulo, Quod Ricardus filius, Radulfi filius Petri de Thaiden, dedit & concessit & carta sua confirmavit ei pro homagio & servitio suo totam terram suam de Chiltredich, cum omnibus pertinentiis suis, cum advocacione Ecclesiæ, & omnibus libertatibus & liberis consuetudinibus ad dictam terram pertinentibus, & quicquid ibidem habuit & ad eum pertinebat sine aliquo retenemento, & eis quibus idem Tomas dictam terram jure hæreditario assignaverit, & eorum successoribus, quos prædicti sibi jure hæreditario constituerit, Habendam & tenendam finabiliter de se, & hæredi-

bus suis integre, libere, quiete, pacifice, in hominibus, in hominum homagiis & eorum servitiis, in redditibus, in releviis, in terris, in semitis, in viis, in pratis & pascuis, in bosco & plano, & in cunctis rebus sine aliqua diminutione, sicut aliquis antecessorum suorum eam melius & liberius tenuit, Reddendo inde annuatim sibi & hæredibus suis decem solidos duobus terminis in anno ad Pascha v solidos, & ad festum Sancti Michaelis v solidos, pro omnibus servitiis & exactionibus, quæ ab eo & hæredibus suis, vel ab aliquo alio possint exigi, Salvo servitio Regis, scilicet dimidii Militis, unde dictus Tomas & illi quibus dictam terram jure hæreditario assignaverit, & eorum successores, quos prædicti sibi jure hæreditario succedere constituerint, ipsum & hæredes suos acquietare debent, cum evenerit versus Capitalem Dominum, & quod idem Tomas & illi quibus dictam terram jure hæreditario assignaverit, & eorum successores, quos prædicti sibi jure hæreditario succedere constituerint, custodiam dictæ terræ & puerorum, quibus eadem terra jure hæreditario fuerit assignata, dum infra ætatem fuerint, cuicunque voluerint committent. Ita, quod nec ipse Ricardus nec hæredes sui aliquam umquam custodiam in dicta terra habere poterunt, nec etiam custodiam puerorum, nec aliquid aliud nisi servitium prænominatum, scilicet decem solid[orum] & servitium dimidii Militis, cum evenerit, pro omnibus servitiis & demandis, & quod ipse Ricardus & hæredes sui imperpetuum warantizabunt prædicto Tomæ, & illis, quibus dictam terram jure hæreditario assignaverit, & eorum successoribus, quos prædicti sibi jure hæreditario succedere constituerint; & quod pro hac concessione,

King Himself, Rafe de Nevill Bishop of *Chichester* the Kings Chancellor, *Walter de Mauclerk* Bishop of *Carlile*, *William de Ralegh*, *Almaric de Seint Amand*, and others the Kings Liege men, then present, between *Alice* Priores of *St Michael* of *Stanford* Demandant, and *Philip de Colevill* Empeschant, concerning certain Rent-services in *Stanford* (g).

In after-ages, Holding in Demeane, and Holding in Service, came to be in a fort confounded together.

In his Demeane as of Fee.

IN the eighteenth year of K *Richard* II, *Edward Cerne* Chivaler held the Manour of *Braycote* with the Advowson of the Church

& donatione, & warantizatione dedit ei Tomas lxx marcas & duos palefidos, & unum anulum aureum. *Mag. Rot. 7 Job. Rot. 15. b. post Lancastr[iam]*.

(g) Hæc est finalis concordia facta in Curia Domini Regis apud Writele, a die Sancti Martini in quindecim dies, anno regni Regis Henrici filii Regis Johannis vicesimo, coram eodem Domino Rege, Domino R Cycestrensi Episcopo, Domini Regis Cancellario, Domino W Karleolensi Episcopo, Wilhelmo de Raleg[a], Almarico de Sancto Amando & aliis Domini Regis fidelibus, tunc ibi præsentibus, inter Aliciam Priorissam Sancti Michaelis de Stanford, per Reginaldum Seilberd positum loco suo ad lucrandum vel perdendum querentem, & Philippum de Colevilla impediensem, de decem & octo solidatis & octo denaratis redditus, cum pertinentiis in Stanford, unde placitum warantiæ cartæ summonitum fuit inter eos in eadem Curia, scilicet quod prædictus Philippus recognovit totum prædictum redditum, cum pertinentiis esse jus ipsius Priorissæ & Ecclesiæ suæ Sancti Michaelis de Stanford, sicut illum quem eadem Priorissa habet de dono

suo, scilicet totum servitium Hereberti le Serjant & hæredum suorum, de toto tenemento, quod tenuit de eodem Philippo in Stanford, scilicet decem solidos per annum, & totum servitium Nicolai filii Alexandri, & hæredum suorum, de toto tenemento, quod tenuit de eodem Philippo in Stanford, scilicet decem solidos per annum, Habendum & tenendum eidem Priorissæ & Priorissis, quæ ei succedent, in liberam, puram & perpetuam elemosinam in perpetuum. Et pro hac recognitione, warantizatione, fine & concordia, eadem Priorissa recepit eum in singulis beneficiis, quæ de cætero fient in Ecclesia sua Sancti Michaelis de Stanford. Et sciend[um], quod prædicti Herebertus & Nicolaus præsentibus fuerunt, & cognoverunt se debere prædicta servitia. Et hæc concordia facta fuit præsentibus Terrico de Stanford, qui redditum illum percipere consuevit, & illam concedente; & remisit & quietum clamavit de se & hæredibus suis, eidem Priorissæ & Priorissis, quæ ei succedent, totum jus & clamium, quod habuit in servitiis prædictorum Hereberti & Nicolai in perpetuum. *Ex ipso chirographo Finalis Concordiæ, extante in archivo nuperæ Curie Augmentatio-*
num.

Church of the said Manour, in his demeane as of fee, of the King *in Chief*, by the Service of half a Knights Fee (*b*).

Thus Rent and Service became united, or, if you please, confused and mixed together. The like phrase and usage took place in *Normandy*.

Of Homage and Fealty.

FIRST. Homage must be done to that person or persons in whom the Seignourage is vested.

The doing of Homage and Fealty to the King was formerly accounted a matter so considerable that many times the King issued an *Open Letter* under his Great Seal, to empower Commissioners to take Homage and the oath of Fealty of his feudatary or Chevalerian Tenant.

K *Edward* III in the eighth year of his reign, by a Patent Letter under his Great Seal, empowered *William Trussel* and Master *Richard de Bynteworth* Doctor of Civil Law, to receive of the Earl of *Savoy* the Homage and Fealty which the Earl was bound to do for all the Lands, Castles and Lordships, which the Earl held of the King, and to do all other acts relating thereunto, and also to deliver to the Earl empty possession and seifine of the said Lands, Castles and Lordships, with the pertinencies (*i*).

It

num. *Chirographum istud habet in Capite literas majusculas CYROGRAPHUM, & in quo latere lineæ incipiunt literas majusculas APHVM, utraque nimirum in modum dentium acutorum perfectas.*

(*b*) Wiltes[cira]. Memorandum, quod Edwardus filius, & hæres Edwardi Cerne Chivaler defuncti. — *he was attached to render Relief.*

— Cognovit se tenere, & dictum Edwardum patrem suum tenuisse in dominico suo ut de feodo, die quo obiit, Manerium de Braycote, cum advocacione ecclesiæ ejusdem Manerii, cum suis pertinentiis in Comitatu Wiltesiræ, de Domino Rege in Capite, per servitium medietatis unius

feodi Militis —. *Trin. Fines 18 Ric. 2. Rot. 3. a.*

(*i*) De potestate data recipiendi, homagium & fidelitatem Comitis Sabaudia.

Universis præsentibus Literas inspecturis, Edwardus &c. salutem. De circumspicione provida dilectorum & fidelium nostrorum, Willelmi Trussel, & Magistri Ricardi de Bynteworth juris Civilis professoris, plenarie confidentes, ad recipiendum hac vice nomine nostro, homagium & fidelitatem nobilis viri . . . Comitis Sabaudia, consanguinei nostri carissimi, pro terris, Castris & Dominiis quibuscunque, quæ dictus Comes de nobis tenet, in partibus Sabaudia & aliis quibuscunque,

pro

It appeared to the King by an Escheator's Enquest, that *Robert de Veer* Earl of *Oxford* died seised of the Castle of *Hengham*, and other Lands, holden of the King *in Capite* by Knight-service. Hereupon, K *Edward III*, in the fifth year of his reign, took the Homage of *John de Veer* heir of the said *Robert*; and commanded the Escheator to give seisine to the said *John*, of the said Castle and Lands in the usual manner (k).

In

pro quibus homagium & fidelitatem nobis facere tenetur, ac alia omnia & singula nobis in hac parte debita, necnon ad liberandum eidem possessionem vacuum & seisinam, terrarum, Castrorum & Dominiorum hujusmodi, cum suis juribus & pertinentiis universis, & omnia alia & singula facienda & exercenda in præmissis, quæ nos facere deberemus, si personaliter præsentem essemus, prædictis Willelmo & Magistro Ricardo, & eorum alteri, plenam, tenore præsentium, committimus & concedimus potestatem: Promittentes nos ratum & firmum habituros, quicquid per præfatos Willelmum & Magistrum Ricardum, vel eorum alterum, receptum, liberatum, actum & gestum fuerit in præmissis. In cujus, &c. Datum apud Wyndesore secundo die Augusti. *Pat. 8. Edw. 3. pars 2. m. 38.*

(k) Rex dilecto & fideli suo Willelmo Trussel, Escaetori suo citra Trentam salutem. Quia accepimus per inquisitionem, quam per vos fieri fecimus, quod Robertus de Veer nuper Comes Oxoniæ defunctus, tenuit die quo obiit Castrum & Manerium de Hengham, & Maneria de Bumpstede, Dodyngherst, Benteleye, Colne Comitatus, Canefeld, Dounham, Gelham, & Fingre, cum pertinentiis, in Comitatu Essex[iæ], Laneham Overhall, Laneham Netherhall, & Audham, cum pertinentiis, in Comitatu Suff[olciæ], Caumpes, Abyton, & Saxton cum pertinentiis in Comitatu Can-

tebr[igiæ], Kensington, cum pertinentiis in Comitatu Midd[elsexiæ], Chesham & Calverton, cum pertinentiis in Comitatu Buk[ingamiæ], & duo Mesuagia & duas carucas terras, cum pertinentiis in Langeleye & Bradeleye in Comitatu Berk, sibi & hæredibus de corpore suo exeuntibus, per finem inde in Curia nostra de licentia nostra levatum, Ita quod si idem Comes obiret sine hærede de corpore suo exeunte, tunc prædicta Castrum, Maneria, Mesuagia, & terra cum pertinentiis, remanerent Johanni de Veer & hæredibus suis imperpetuum, quodque dicta Castrum & Maneria de Hengham, Bumpstede, Dodingherst, Benteleye, Colne Comitatus, Canefeld, Dounham, Laneham Overhall, Laneham Netherhall, Audham, Kensyngton, Caumpes, Abyton & Saxton tenentur de nobis in Capite, per servitium duorum feodorum Militum & dimidii, & dictum Manerium de Fyngre per Serjantiam, videlicet serviendi in Camera Reginæ loco Camerarii die Coronationis suæ, & dicta Maneria de Chesham & Calverton per servitium unius feodi Militis, & dicta Mesuagia, & terra per servitium quartæ partis unius feodi Militis, ac dictum Manerium de Gelham per servitium reddendi nobis per annum ad Scaccarium nostrum, decem libras; & quod prædictus Comes obiit sine hærede de corpore suo exeunte; cepimus homagium prædicti Johannis, de Castro, Maneriis, terris, & tenementis prædictis,

In Michaelmas term in the thirtyfifth year of K *Edward* I, the Lord Treasurer delivered into the Court of Exchequer an Instrument

etis, & illa ei reddidimus. Et ideo vobis mandamus, quod eidem Johanni, Castrum, Maneria, terras & tenementa prædicta, cum pertinentiis, quæ occasione mortis ejusdem Comitis capta sunt in manum nostram, una cum exitibus per vos inde perceptis, liberetis; Salvo jure cujuslibet; & salvo nobis relevio, si quod nobis in hac parte debeat; & de aliis terris & tenementis, quæ fuerunt prædicti Comitis, die quo obiit, & quæ occasione mortis ejusdem similiter capta sunt in manum nostram, vos ulterius non intromittatis; salvo jure nostro & alterius cujuscumque; Exitus, si quos de eisdem terris & tenementis percepistis, præfato Johanni liberantes. Teste Rege apud Haveryng atte Boure xvii^o die Maii. Per breve de privato sigillo. *Originale* 5 *Edw.* 3. *Rot.* 40.

Cum Rex ceperit homagium Ricardi filii Johannis, fratris & hæredis Johannis filii Johannis defuncti, de omnibus terris & tenementis quæ de Rege tenuit in Capite, tam in Anglia quam in Hibernia, & de quibus idem Johannes fuit seif[itus], &c. & ei terras illas & tenementa reddiderit; ac idem Johannes quasdam terras & tenementa in Hibernia habuerit, die quo obiit, de quibus idem Ricardus seifinam nondum habuit, ut dicit: Mandatum est Roberto de Ufford Justic[iario] Hiberniæ, quod accepta securitate a præfato Ricardo de rationabili relevio suo Regi reddendo ad Scaccarium Regis Dublin[iæ], eidem Ricardo de omnibus terris & tenementis, de quibus præfatus Johannes fuit seifitus, &c. in Hibernia, die quo obiit, plenam seifinam habere faceret; Salvo jure cujuslibet. Teste Rege apud Wyntoniam v die Maii. *Originale* 6 *Edw.* 1. *m.* 13.

Robertus Engaine debet dimidiam

marcam, ut scribatur in Magno Rotulo, quod Reinfridus filius Rogeri venit coram Baronibus de Scaccario, die Jovis proxima post Octabas Apostolorum Petri & Pauli, anno regni Regis Johannis quinto, & ibi dedit & concessit prædicto Roberto quinque acras & dimidiam, sicut continetur in carta ipsius Reinfridi, quæ talis est. Sciant præsentis & futuri, quod ego Reinfridus de Brueria filius Rogeri, dedi & concessi, & hac præsentis carta mea confirmavi, Roberto Engaine, quinque acras & dimidiam in Radigedole, & Garam quæ movet de effarto Willelmi de Wereslea, & inter Vetus Fosse de Bosco & viam de Cantebri-gia — —. Et de prædictis terris quas ei dedi & concessi, debent prædicti Robertus & hæredes sui esse Affidati & Jurati michi & hæredibus meis. His Testibus, Willelmo Thesaurario Domini Regis, Ricardo Archidiacono Colecestriæ, & pluribus aliis. *Mag. Rot.* 4. *Joh. Rot.* 10. *b. tit.* Sudsexia.

Rex dilecto sibi Johanni Frauncys seniori, Escaetori suo in Comitatu Derb[iæ], salutem. Quia accepimus per inquisitionem, quam per Thomam de Neuton nuper Escaetorem nostrum in Comitatu prædicto fieri fecimus, quod Johannes de Loudham Chivaler defunctus tenuit, die quo obiit, in dominico suo ut de feodo, Manerium de Walton cum pertinentiis in Comitatu prædicto, de nobis in Capite ut de honore Peverell[i], per servitium sectæ Curie de tribus septimanis in tres septimanas, pro omnibus servitiis, quodque Isabella una, & Margar[eta] quam Thomas Foliambe duxit in uxorem, altera sororum prædicti Johannis plenæ ætatis existentes, sunt hæredes ejusdem Johannis propinquiores: tibi præcipimus,

Y y y

quod

ment made under the Signatures of two Publick Notaries, and under the Seal of *James* Steward of *Scotland*, concerning the Homage and Fealty done to the King by the said *James*. The import of the said Instrument was this. On the twenty-third day of *October* in the year MCCCVI, *James* Steward of *Scotland* appeared before the Bishop of *Coventry* and *Lichfield* Lord-Treasurer, and several other persons hereunder named, and did Fealty to K *Edward* I, for all his Lands, and confirmed his said Fealty, in all its articles and points, by his corporal oath, taken upon the *Consecrated Body* of *Christ*, and upon the two holy Crosses, to wit, the *Cross Neytz* and the *Blakerode* and other *Holy Reliques*; and that the said *James* made a Patent Letter under his Seal, declaring the manner and form of this transaction, in the following terms. “ To all who shall see or hear this Letter, *James* “ Steward of *Scotland*, wisheth health. Whereas lately, for the “ great trespasses and misdeeds which we had done, in divers “ manners, against our Lige Lord, the Lord *Edward* by the grace “ of God King of *England*, Lord of *Ireland*, and Duke of *Aqui-* “ *taine*, contrary to the Homage and Fealty which we did to “ him, and contrary to our Ligeance, we rendred and submitted “ our self, fully and wholly, our Body, lands and tenements, “ and all that we have or can have, to the Will of our said Lord, “ and he hath since, of his special grace, restored to us our said “ lands and tenements which we hold in *Scotland*. Wherefore, “ we have now done to him Homage and Oath of Fealty anew. “ We being quitted and delivered, and in our full power, do “ promise loyally and in good Faith, that from henceforth for “ ever, we will be Faithful and Loyal to our Lord the King of “ *England*, and to his heirs Kings of *England*, and will bear to “ them good Faith, for Life and Member, and for earthly ho- “ nour, against all men that may live and dye; and we will not “ be against them at any time, upon any terms, either in aid or “ counsel,

quod captis fidelitatibus ipsorum *Isabella* & *Thomæ* nobis in hac parte debitis, juxta formam cujusdam cedulae presentibus interclusæ, & accepta securitate a præfatis *Isabella* *Thoma* & *Margareta*, de rationabilibus releviis suis nobis solvendis ad Scaccarium nostrum — the Escheator should give

them seisin. Teste Rege apud Westm[onasterium] xxvii^o die Aprilis. Originale 14 Ric. 2. Rot. 10.

Radulfus de Multhalt debet lx marcas, quia non cepit homagium Johannis de Lifewis. Mag. Rot. 29 Hen. 2. Rot. 6. a. Lincolscira.

“counfel, where any thing may be treated, ordained, compaffed
“or done, which may turn to their difhonour or damage, or if
“we know of it, that we will hinder it with all our power, and
“we will make it known to them without delay. And to the
“performance of all thefe things in all points, we have fworn
“upon the *Body of God*, and upon the *Holy Gospels*, and upon
“the *Crofs Neytz*, and upon the *Blakerode of Scotland*, and upon
“feveral other *Reliques*. And furthermore, to the firm holding
“and keeping of the faid Homage and Oath in all points, we
“do bind our body, our heirs, all our lands and tenements, and
“all that we have or can have *de alto & baffo*, and wholly, at the
“will of our faid Lord the King and of his heirs: And we do
“will and grant for us and our heirs, that if it happens, which
“God forbid, that we or our heirs fhall ever be in war againft
“our faid Lord the King, or his heirs, or in aid or counfel to
“any of their enemies, privily or openly, that our body, our
“lands and our tenements, and all that we have or can have, be
“from thenceforth forfeited to our faid Lord the King, and to
“his heirs, in fuch manner that we or our heirs may never be a-
“ble to claim or chalenge any right to the fame. Furthermore,
“we will and grant for us and our heirs, if it happens that we
“be at any time hereafter againft our faid Lord the King, or his
“heirs, as is faid before, that then the Archbifhops, Bifhops, and
“any other Prelates of *England* and *Scotland*, fuch and as many
“as it fhall please our faid Lord the King of *England* or his heirs
“Kings of *England*, without any manner of tryal, monition or
“warning, and without any mans gainfaying, may give fentence
“of excommunication upon us and upon our heirs, and may ex-
“communicate us, and put us out of the community of all Chri-
“ftians, and may put our lands under interdict. In witnefs of
“which things we have put our Seal to this Letter. Given in
“the Priory of the Canons of *Lanrecoft*, the twenty third day of
“*October* in the year of Grace one thoufand three hundred and
“fix, and in the four and thirtieth year of the reign of our faid
“Lord the King. Which things being thus done, the faid Lord
“*James*, on the fame day, came into the prefence of his Lord
“the faid King of *England*, and made Homage to the faid King
“for his the faid *James’s* lands in *Scotland*, in the due and ufual
“form.

“ form. These things were done in the Prioury of *Lanrecost*, in
 “ the diocese of *Carlile*, in the Year, Indiction and day aforesaid,
 “ in the presence of *Adomar de Valence*, and of several other per-
 “ sons of Distinction (named hereunder). And straitway the said
 “ Publick Instrument was, by the Treasurers command, delivered
 “ to *Adam de Osgoteby* Keeper of the Rolls of the Chancery, to
 be enrolled (1).

In

(1) De homagio facto Regi per Jacobum Senescallum Scociæ.

Thesaurarius liberavit hic modo viii^o die Novembris, quoddam instrumentum publicum signis Magistri Johannis Buhs de Londonia, & Magistri Andreæ de Tange Ebor[acensis] dioc[esis], Notariorum publicorum munitum, necnon sigillo Jacobi Senescalli Scociæ consignatum, super Homagio & fidelitate Domino Regi factis, per eundem Jacobum in hæc verba. In nomine Domini Amen. Anno a Nativitate ejusdem mccc^o sexto, Indictione quinta, mensis Octobris die vicesima tertia, Constitutus coram Venerabili Patre W Dei gratia Coventr[ensis] & Lich[felden] Episcopo, nobilissimi Principis Domini nostri Domini E eadem gratia Illustris Regis Angliæ Thesaurario, cum aliis de Consilio ipsius Domini Regis, tam Militibus quam Clericis quampluribus, Nobilis vir Dominus Jacobus dictus Senescallus Scociæ, in præsentia mei infrascripti Notarii & testium subscriptorum, ad hoc vocatorum specialiter & rogatorum, fidelitatem Domino Regi prædicto pro omnibus terris suis fecit in subscripta forma, fidelitatemque suam prædictam in omnibus suis articulis & punctis, super Corpus Christi consecratum, & duas Cruces sanctas scilicet La Croitz Neytz & La Blakerode, aliasque Reliquias sanctas, firmavit corporalis vinculo juramenti, & super fidelitate sic facta suas patentes fecit Literas, sub nomine suo concep-

tas, sui que Sigilli impressione munitas; quarum Literarum in omnibus & per omnia tenor est talis. A toutz ceux qui ces Lettres verront ou orront, James Seneschal Descoce salut en Dieu. Come pieza por tresgraunt trespass & mesprises que nous eumes faitz, en plosours manieres, contre nostre Seigneur Lige, Mon seigneur Edward par la grace de Dieu Roi Dengleterre, Seigneur Dirlaunde, & Ducs Daquitaine, contre Lomage & la foialte que nous lui avions faitz, & contre nostre ligance, nous nous fussions rendutz & soutez mis, haut & bas, & du tout corps terres & tenementz, & quanque nous avions ou aver porriens, a la volente nostre dit Seigneur, & il nous eut puis de sa grace especiale, rendutz les terres & tenementz avantditz, que nous tenions en Escoce, par quei nous li avoms ore de novel fait Homage & serment de foiaute. Nous esteantz quites & deliveres, & en nostre plein pover, promettoms loialment en bone foi, que nous de ci enavant por touz jours, feroms foials & loials a nostre dit Seigneur le Roi Dengleterre, & a ses Heirs Rois Dengleterre, & bone foi leur portroms, de vie & de membre, & de terrien honour, contre totes gentz qui porront vivre & morir; E contre eux ne feroms en nul temps, por chose que puisse avenir, nen eide nen conseil ne feroms, ou chose soit perle, ordene, compase ou faite, qui puisse turner a deshonneur ou a damage de eux, ou si nous le sachons, que nous le desturberoms

In the Feudal institution, *Homage* was of great weight. The doing of *Homage* and Fealty was so necessary that *Lordship* and *Tenancy* could not subsist without it.

In
roms a tuit nostre poeir, & le leur ferons afaire sanz delai. Et a totes les choses defusdites fermement tenir en toutz pointz, nous avons jurez sur le corps Dieu, & sur seintes Ewangilles, & sur la Croiz Neytz, & sur la Blake-rode Descocce, & sur plusors autres reliques. Et outre ce, as ditz Homage & ferment en toutz pointz fermement tenir & garder, nous obligeons nostre corps, noz heires, totes noz terres & toutz noz tenementz, & quanque nous avoms ou aver porroms, haut & bas, & de tout, a la volente de nostre dit Seignour le Roi, & de ses heires; E voloms & grantoms por nous & por noz heires, fil aviegne, ce qe dieu ne voille, qe nous ou noz heirs seioms james de guerre contre nostre dit Seignour le Roi, ou ses heires, ou en eide ou en conseil de nul de leur enemis, priveement ou apertement, qe noz corps, noz terres, & noz tenementz, & quanque nous avoms ou avoir porroms, soient defadonque forfaitz a nostre dit Seignour le Roi & a ses heires, en tieu manere qe nous ne noz heires ny puiffoms james rien de droit clamer ne chalenger en nul temps. Estre ce, nous voloms & grantoms por nous & por noz heires, fil aviegne qe nous soiem en nul temps de cy enavant contre nostre dit Seignour le Roi ou ses heires, ficome est avant dit, qe Ercevesques, Evesques, & quicunque autres Prelatz Dengleterre & Descocce, tantz & tieux come il plerra a nostre dit Seignour le Roi Dengleterre, ou a ses heires Roys Dengleterre, sanz tote manere de cogniffaunce de cause, & sanz monicion ou nule manere de garnifement, & sanz tote manere de contredit de nulli, puiffent doner sentence descomeng sur nous, & sur noz hers,

& nous escomenger & mettre hors de commune de toutz creftiens, & totes noz terres mettre en entredit. En tesmoignaunce de queus choses, nous avoms mis nostre Seal a ces Lettres. Done en la Priourte des Chanoignes de Lanrecoft, le xxiii jour du Moys Doctobre, lan de grace Mil Treiscentz & fis, & du regne nostre Seignour le Roi avant dit Trentisme quart. Quibus sic factis, idem Dominus Jacobus die prædicto ad præfenciam Domini Regis Angliæ supradicti Domini sui accedens, eidem Domino Regi pro jam dictis terris suis in Scocia, in præfencia mei Notarii & Testium subscriptorum, Homagium fecit in forma debita ac eciam consueta. Et ad majorem præmissorum evidenciam & cautelam, præfatus Dominus Jacobus Senescallus sigillum suum apposuit huic publico instrumento. Acta in Prioratu de Lanrecoft Carliolensis Diocesis, anno, Indictione, & die prædictis, Præsentibus Nobilibus viris Dominis Adomaro de Valencia, Johanne de Hastyng, Johanne Boteturte, Roberto de la Warde, Johanne de Sulleye, Baronibus, Johanne Hastang, Johanne de Dunedale, Militibus, necnon Dominis Johanne de Sandale, Wilhelmo de Bevercote, Roberto de Cotyngham, & Johanne de Wyntonia, Clericis, & aliis in multitudine copiosa, testibus ad hæc vocatis specialiter & rogatis. Et ego Johannes dictus Bouhs —, Et ego Andreas quondam Guilielmi de Tang —, *Both the Notaries make their Attestations, ending in fidem & testimonium præmissorum.* Et in continenti istud instrumentum liberatur Adæ de Ofgoteby Custodi Rotulorum Cancellariæ, ad irrotulandum, per præceptum Thesaurarii. *Mich. Com-*

In *England*, in the reign of K *Edward* I, or K *Edward* II, a Frank tenant used to do Homage to his Lord after this manner.

He

munia 34. & 35 *Edw.* I. *Rot.* 17. b. *Parte* I.

Scotia. Dominus Rex mandavit Vicecomiti Northumbriæ per breve suum, quod cum ex gravi querimonia Magdulphi filii Malculmi Comitis de Fif acceperat, quod, cum idem Dominus Rex nuper, dum erat apud Berewik super Twedam dedisset Venerabili patri W Episcopo S Andreæ, & Sociis suis Custodibus prædicti regni Scotiæ in mandatis, ut de terris & tenementis Magdulphi prædicti de Rerys & de Crey, de quibus per dictum Episcopum tunc Custodem Comitatus de Fif, conquerebatur se esse deformatum injuste, sibi justitiam exhiberent & demum juxta formam mandati prædicti, per considerationem prædictorum Custodum, seisinam terrarum & tenementorum hujusmodi recuperasset, Johannes Rex Scotiæ, de eisdem terris & tenementis, injuste disseisivit eundem, in ipsius dampnum non modicum & gravamen. Et ne jus suum prosequeretur ulterius, fecit eundem carcerali custodiæ mancipari, & tandem super dictis terris & tenementis, quoddam iniquum reddi judicium contra eum. Et cum postmodum a carcere liberatus, prædictum Regem requisivit, instanter & pluries, quod ipsum in jure suo, curaret audire, & super petitione sua, quam faciebat de prædictis terris & tenementis, sibi facere jus & justiciæ complementum. Offerens se paratum docere de prædicto jure suo per literas, & alia legitima documenta. Idem Rex omnia illa sibi contra jus & justiciam denegando facere recusavit. Propter quod mandatum fuit Vicecomiti prædicto, quod prædicto Regi Scotiæ, Literas Domini Regis in propria persona sua, deferret, sufficienti testimonio secum

adhibito de adjornando ipsum Regem Scotiæ, essendi coram Domino Rege ad hunc diem ad respondendum prædicto Magdulpho super præmissis, & ad faciendum, & ad recipiendum ulterius, quod justitia requireret. Et modo venit prædictus Rex, & prædictus Magdolphus. Et idem Magdolphus queritur, quod cum coram Episcopo prædicto, & Sociis suis Custodibus regni Scotiæ, seisinam de terris & tenementis prædictis recuperavit, præfatus Rex de eisdem terris & tenementis injuste diss[eisivit] eundem. Et ne jus suum ulterius prosequeretur contra eum, fecit eum incarcerationi, & contra vadium & plegios detineri, & contra ipsum sic incarcerationum super dictis terris & tenementis, quoddam falsum judicium reddi fecit. Et cum postmodum a carcere prædicto liberatus fuisset, requisivit ipsum Regem instanter & pluries, quod ipsum in jure suo curaret audire, & ei justiciam in Curia sua exhiberet super præmissis. Quod quidem prædictus Rex Scotiæ, eidem denegando justitiam, totaliter facere recusavit, in contemptum Domini Regis Angliæ, superioris Domini Regni Scotiæ, decem mille marcarum, Et ad dampnum suum septem centum marcarum. Et hoc paratus est probare sicut Curia cons[ideraverit], &c.

Et Johannes Rex Scotiæ, venit & defendit omnem contemptum Domini Regis Domini sui: Et dicit, quod non habet diem hic ad respondendum præfato Magdulpho de aliquo, &c.

Et idem Magdolphus dicit, quod prædictus Rex Scotiæ habet diem hic ad hunc diem ad respondendum sibi Magdulpho per adjornamentum sibi factum per breve Domini Regis. Quod quidem breve sibi liberatum fuit, per Vicecomitem Northumbriæ apud Strivelyn,

He held his hands joined between the hands of his Lord, and said, "I become your Man from this day forward, for life and
" limb,

lyn, in crastino Sancti Petri ad vingu-
la. Quod satis constare potest per re-
turnum Vicecomitis prædicti.

Et Rex Scotiæ quæsitus si hujus-
modi breve Domini Regis sibi ex parte
Domini Regis per Vicecomitem præ-
dictum liberatum fuit, Dicit, quod sic;
Et quod semper paratus est & erit bre-
via & mandata Domini Regis, ut Do-
mini sui, admittere. Et ideo dictum
est ei, quod ipse returnet breve illud,
prout in brevi illo plenius continetur.
Qui dicit, quod breve illud ad manum
non habet, set illud tradidit Cancel-
lario suo partibus suis. Qui quidem
Cancellarius super hoc per ipsum Re-
gem Scotiæ examinatus, Dicit, quod
illud non habet, Et si illud invenire
posset libenter Domino suo redderet.
Et quia idem Rex Scotiæ bene cog-
noscit, quod breve illud admisit per
quod adjornatus fuit hic ad hunc
diem ad respondendum præfato Mag-
dulpho, dictum est eidem Regi, quod
præfato Magdulpho respondeat.

Et Rex Scotiæ, dicit quod ipse est
Rex Regni Scotiæ, nec prædicto Mag-
dulpho ad querelam suam, nec de a-
liquo regnum suum tangente ausus
est respondere sine consilio proborum
hominum regni sui.

Et præfatus Magdulphus petit ju-
dicium de ipso Rege, tanquam de in-
defenso, ex quo præsens est in Curia
Regis per adjornamentum ei factum
per breve Regis, quod cognovit se re-
cepisse, nec aliquid ei respondet. Et
super hoc dictum est eidem Regi Sco-
tiæ per Dominum suum Regem An-
gliæ, quod idem Rex Scotiæ est Ho-
mo suus Ligijs de prædicto regno Sco-
tiæ, de quo fecit ei Homagium & fi-
delitatem, & est coram eo hic adjor-
natus, quod respondeat, vel dicat quare
nolit, vel non debeat hic coram eo re-
spondere.

Et idem Rex Scotiæ dicit sicut prius
dixit, quod de aliquo regnum suum
contingente non est ausus, nec potest
hic respondere, inconsultis probis Ho-
minibus regni sui. Et super hoc quia
idem Rex Scotiæ dicit, quod non au-
sus est hic respondere, inconsultis pro-
bis Hominibus regni sui, dictum est
ei, quod requirat alium diem ad con-
sulendum si voluerit. Qui præcise res-
pondet, quod nullum diem requireret,
nec aliquod adjornamentum hic ad-
mitteret.

Postea venit prædictus Rex Scotiæ
coram Domino Rege & Consilio suo,
& fecit Domino Regi, quandam sup-
plicationem ore suo proprio per verba
subscripta, & eadem verba in quadam
Cedula scripta per manum suam por-
rexit, &c. Sire, Jeo suy vostre Homme
du Realme, de Escoce e vous pri, qe
de ceo, qe vous me avez mys adevaunt
qe touche les genz de mon Realme
ansy, cum a mey vöillez mestre en suf-
fraunce jelkes taunt, qe Jeo ey a eus
parle qe Jeo ne sey surpris par defaute
de consayl, desicum les genz, qe cy
sunt od mey ne me volent, ne osent
counseyller saunz autres du Realme.
Et quaunt Jeo me avereye, a eus coun-
seille, Jeo vous respoundray a vostre
primer parlement apres Pask le Con-
seill, qe il me averount donez e frey
envers vous ceo, qe fere devere ye. Et
Dominus Rex habito super hoc confi-
lio ad rogatum prædictum prædicti
Regis Scotiæ, & etiam ad instantiam
Procerum & Magnatum de Consilio
suo, ex gratia sua speciali, & similiter
de consensu prædicti Magdulphi, con-
cessit ipsi Regi Scotiæ, Supplicationem
suam prædictam, & diem ei dedit ad
parlamentum suum post Pasch[a],
videlicet in Crastino Sanctæ Trinitatis
&c. in omnibus in eodem statu, quo
nunq

“limb, and for earthly honour; and I will bear faith to you for
 “the tenement which I hold and claim to hold of you; saving
 “the faith which I owe to our Lord the King, and to my other
 “chief Lords (*m*).

This piece relating to Homage is commonly called the Statute of Homage. But I apprehend, it is not a Statute, but only a Prefident or Form of doing Homage.

When

nunc. Idem dies datus est prædicto Magdulpho, &c. Et dictum est Regi Scotiæ, quod ibi habeat brevia Domini Regis Angliæ, sibi ex parte ipsius Regis Angliæ, per Vicecomitem Northumbriæ directæ, & quæ se recognovit recepisse, &c.

Ad quem diem prædictus Rex Scotiæ in propria persona sua, coram ipso Domino Rege Angliæ & Consilio suo, ad Parliamentum suum apud Westmonasterium, videlicet in Manerio Archiepiscopi Ebor[acensis], venit, & similiter prædictus Magdulphus, qui se optulit versus præfatum Regem Scotiæ de placito prædicto. Et quia Dominus Rex Angliæ variis & arduis, prædictus negotiis, prædictæ querelæ, prædicti Magdulphi versus prædictum Regem Scotiæ, placitandæ & terminandæ intendere non potest, datus est dies prædicto Regi Scotiæ coram ipso Domino Rege Angliæ ad Parliamentum suum a die Pasch[æ] in unum mensem anno regni ipsius Regis Angliæ vicesimo tertio ubicunque, &c. in eodem statu in omnibus, prædictam querelam tangentibus, in quo statu eadem querela fuit, ad prædictum Craftinum Sanctæ Trinitatis. Idem dies datus est prædicto Magdulpho, videlicet ad prædictum mensem Pasch[æ] in eodem statu, &c. quo nunc in omnibus, &c. Et similiter datus est dies prædicto Regi Scotiæ ad præfatum mensem Paschæ coram ipso Domino Rege, &c. in eodem statu in omnibus, quo nunc, &c. in querela quæ contra eum movetur coram Domino Rege hic per Anffricam, quæ se dicit esse hæredem Terræ de

Manne. Et eidem dies datus est præfata Anffricæ per attorn[atum] suum, prout plenius patet in processu ejusdem Anffricæ alibi in isto eodem Rotulo.

Postea a die Paschæ in unum mensem anno xxiii^o, Dominus Rex mandavit hic Literam suam sub sigillo suo privato, quæ residet in ligula Præceptorum de termino Paschæ anno xxiii^o Prætextu cujus mandati Johannes Rex Scotiæ, solempniter vocatus non venit. Et similiter Magdulphus Anfrica & Simon filius, & hæres Johannis de Stalregh non venit. Et super hoc venit Ricardus de Breteville, qui sequitur pro Domino Rege, & petit judicium de default[a] ipsius J Regis Scotiæ, & similiter de default[is] aliorum, & de hoc quod non habuit hic brevia, quæ sibi ex parte Regis Angliæ liberata fuerunt, sicut ei injunctum fuit. Ideo datus est dies prædicto Ricardo, qui sequitur pro ipso Rege a die Sancti Michaelis in xv dies ubicunque, &c. [*There is no more in this Roll*]. *Mich. Placita. coram Rege 21, incipiente 22 Edw. 1. Rot. 39. a.*

(*m*) Quant frank home fra hamage a son Seignour, il tendra ses maines jointes perentre les maines son seignour, & dirra issint, Jeo deveigne vestre home de cest jour enavant, de tereine honour, & foi vous porteray, pur le tenement que je teigne & clayme tener de vous; save le foi que je doy a nostre seignour le Roy, & a mes autres seignourages. *Ex libro MS pergamenaceo peramplo continente Statuta vetera & alia miscellanea, viz. folio 53 a.*

When a Free man did Fealty to his Lord, he held his right hand upon the Book [or Gospel], and said thus, "Hear you this my Lord R, that I, T, will be faithful and loyal to you, and will bear faith to you, for the tenement which I claim to hold of you; and I will loyally do and acknowledge the Customes and services which I ought to do to you, at the terms assigned [me]. So God help me and his Saints (n).

In *Normandy*, Homage was deemed a Promise to keep Faith in things rightful and necessary, and to give Counsel and Aid. And there, he who did Homage ought to stretch out his hands between the hands of him who received the Homage, and to say these words, "I become your man, to bear Faith to you against all men; saving my Fealty to the Duke of *Normandy* (o).

In the year MCCCXLVII, *Aymar* Earl of *Valence* and *Die* made Liege Homage to *Humbert Dalphin* of *Vienne*. *Henry de Villars*, Lieutenant in that behalf for the *Dalphin*, who was then abroad in the Wars, received the said Homage for the *Dalphin* (p).

Homage,

(n) Quant franc home fra fealte a son Seignour, il tiendra sa mayn destre outre la livere, & dirra issint, Ceo oiez vous mon seignour R, que jeo, T, vous ferray foial & loial, & foy vous porteray, del tenement qe je clayme tener de vous, & loialment vous fray & conuſtray les coustumes & les services qe fere vous doi, as termes assignes; si Dieu moy ei de & ses Saintes. *Ib. juxt. fol. 53. a.*

(o) Hommage est promesse de garder foy des choses droicturieres & necessaires, de donner conseil & ayde. Et cil qui fait hommage doit estendre les mains entre celles a celui qui le recoit, & dire ces parolles, Je deviens vostre homme, a vous porter foy contre tous, Saulue la faulte au Duc de Normendie. *Grant Couſt. de Norm. cap. 29 fol. 44. b.*

Idem Mauricius [de Breone], accepit a Domino Episcopo [Claromontensi] in feudum Castrum novum & Condat, cum pertinenciis suis, & pro

illis fecit Domino Episcopo homatgium, & juravit eidem fidelitatem. Juravit etiam quod dictum Castrum Domino Episcopo, vel mandato ejus, reddet, quodcumque a Domino Episcopo, vel a mandato ejus fuerit requisitus. *Hist. D' Auvergne Tom. 2. p. 496. sub A. D. 1229.*

(p) Constitutus in praesentia Domini Dalphini & nostrum Notariorum & testium infraſcriptorum, praefatus Dominus Aymarus Comes —, dicto Domino Dalphino praesenti... fecit & praestitit homagium ligium pro se & haeredibus suis contra & ante omnes personas viventes & morituras, exceptis Sereniss[imis] Principibus Dominis Romanorum Imperatore & Francorum Rege, & eorum & cujuslibet ipsorum homagiis, quos excepit & retinuit idem Dominus comes, de voluntate & assensu dicti Domini Dalphini, stando pedes, manibus suis inter manus dicti Domini Dalphini inclusis, pacis & foederis osculo interveniente,

A a a a

promit-

Homage, Fealty, Fideles.

WHEN a Baron or other Tenant in Chief had done Homage to the King, it was incumbent on him to do Fealty to

promittendo se fore hominem ligium dicti Dom. Dalphini, & præstare, quæ homo ligeus & fidelis pro Domino suo facere debet & præstare, &c. & subsequenter dictus Dominus Comes confessus fuit & publice recognovit, se tenere & tenere debere, & prædecessores suos tenuisse, a dicto Domino Dalphino, in feudum francum & nobile, ea quæ sequuntur, videlicet Castrum & Burgum de Stella cum pertinentiis eorundem, salvis stratis publicis & pedag[iis], quæ tenet dictus Dominus Comes ab Imperatore — *here he enumerates his Fees, which are many*; pro quibus homagium fecit eidem Domino Dalphino, & fidelitatis præstitit sacramentum, oris osculo interveniente. *He did Fealty also. Memoires pour servir a l' Histoire de Dauphiné. col. 598 & seqq.*

Et estans devant le grand autel, tres-illustre Prince Charles Dauphin de Viennois, Comte d'Albon, Seigneur de la terre de la Tour, mettant ses maines jointes, entre les mains dudict reverendissime Archevesque [de Lyon], & le baisant, luy fit hommaige de certaines terres & places tenues de monseigneur l'archevesque & eglise de Lyon par les Dauphins de Viennois ses predecesseurs. La forme dudit hommaige estoit contenue en un papier commençant, Nos Carolus Delphinus Viennoensis, &c. *Hist. de Lyon par Paradin, p 211. sub A D 1349.*

— Anno Domini millesimo, quadringentesimo tertio, secundum morem & computationem Ecclesiæ Gallicanæ, —; Serenissimo Principe [ac] Domino, Domino Carolo Dei gratia

Francorum Rege stante in Camera sua in hospitio suo vocato, vulgariter Hospitium Sancti Pauli, assistentibus sibi Prælati, Baronibus, Militibus & aliis personis notabilibus; in multitudine copiosa magnificus, & potens Dominus Dominus Johannes Dux Britanniae, & Par Franciæ ibidem existens, pro faciendo, ut dicebatur, homagium dicto Domino Regi de Ducatu & Pareria supra dictis, ad ipsius Domini nostri Regis præsentiam personaliter accessit, & ibidem flexis genibus primitus, & deinde sibi dicto per ipsum Dominum Regem, quod surgeret supra pedes, junctis manibus suis caputioque sublato, posuit dictas manus suas sic junctas inter manus dicti Domini Regis. Et sic stans nobilis vir & potens Dominus Guillelmus Comes Tancarvillæ, ipsius Domini Regis Consanguineus, Consiliarius & Cambelanus, dixit alta voce & intelligibili, ita quod ad aures circumstantium potuit devenire, in vulgari & Gallico idiomate, verba formalia, quæ sequuntur. Monseigneur de Bretagne, vous faictes hommage au Roy vostre souverain Seigneur, & le nostre, qui cy est de toute la Duché de Bretagne, & de la Pairrie de France, en la forme & maniere, que vos predecesseurs Ducs de Bretagne, lont faict a ses predecesseurs, Roys de France.

Sect. 2. Quibus verbis per ipsum Dominum Comitem Tancarvillæ, sic dictis & prolatis, præfatus Dominus Dux Britanniae, proprio ore respondit in vulgari, Sic ego ipsum facio. Et his dictis Dominus Rex osculatus est ipsum Dominum Ducem, prout in talibus

to the King likewise. The Homage was without Oath, the Fealty upon Oath (q).

When a man had done his Fealty, then, according to the Feudal dialect, he was properly said to be a *Fidelis*, *un homme de Foy*.

In progress of time, some of the *Northern* Nations began to receive several of the Feudal Customs (r).

Investiture of the Abbot of Bobio.

THE terms *to vest* or *invest*, *investiture*, &c. seem to be of *Feudal* original. They came early into use among other Feudal terms; and have continued from age to age unto this day; as persons conversant in these things do well know. In the year 977, the Abbot of *Bobio* was invested of certain great lands and possessions, according to a Charter made to him by *Otho* the Emperor (s). And in the year 1076, *Lanfranco* Abbot of *Bobbio* made an Obligation, together with the Patron of his House, that he or his Successors would not alienate or engage *such* part of their Lands, by Security, or by Investiture, or by Commendation, or by *Beneficium*, or by Exchange, or by any other Device by himself, or by any other person, either Clerical or Laical (t).

In

talibus est fieri consuetum; quibus factis in eodem instanti nobilis & potens vir Dominus Arnaldus de Corbeia Miles, Cancellarius Franciæ dictus, exposuit alta & intelligibili voce, verbis gallicis subsequencia in effectu. Domine Dux Britanniae, homagium quod fecisti Domino Regi hic existenti intelligit ipse Dominus Rex, quod dictum homagium sit ligium. Quoniam omnia homagia, quæ sibi faciunt & præstant Vasalli sui, & maxime Pares Franciæ, de quibus estis unus, sunt ligia etiam, & Dominus Dux Burgundiæ fecit dicto Domino Regi & prædecessoribus suis, homagium ligium pro Ducatu Burgundiæ, & similiter pro Pareriis, quas habet & tenet ipse Dominus Dux ratione Duca-

tus & Comitatus prædictorum. *Leibnitii Codex Diplom. Tom. 1. p. 272.*

(q) Et quant les dictz pupilles seront hors de tutelle, ilz seront tenuz de faire hommage & serment de feaute audict Seigneur dedans un an apres la dicte tutelle finie —. *Consuetud. Duc. Burg. Rub. 3. sect. 2. col. 409.*

(r) — Quod homagium tuum, inde tibi reddo & remitto. *Formulare Anglic. viz. Form. 526.*

(s) — Investientes ipsum Abbatem [sc. Bobiensem], per anulum aureum, de jam dicto Comitatu, & ejus juribus & honoribus universis. *Ughelli Ital. sacra, Tom. 4. col. 1353. in charta Othonis Imp. data AD 977.*

(t) *In an Obligation made by Lanfranco Abbot of Bobbio not to alienate from*

In *England*, in the reign of K *Henry I*, there was great Contest and much Discourse about the investitures of Bishopricks as appeareth by *Eadmer* and others.

In this case I doubt the ancient Kings of *England* forgot themselves.

In times of old, when the King gave a Bishop, an Abbot, an Earl, Baron, or other great Tenant *in Capite*, saisine of the lands and rents belonging to his Bishoprick, Abbey, Honor, Barony, or Tenancy, such delivery of saisine was usually called *Investiture*. Because the Bishop, Abbot, Earl, Baron, or Military Tenant did thereby become vested and saisied of his Fee or Tenancy.

So it was also in Foreign Countries. When a man was feoffed and had seisine given him, he was said to be invested.

from his Monastery, dated AD 1076,

— obligavit Abbas infra scriptus una cum Avocato suo, de prælibatis rebus nullam securitatem nec investituram, nec per commendacionem, nec per beneficium, vel per commutacionem, nec per nullumvis ingenium, nec per aliqua persona five Laica, five Clericalis, mittere non debet, nec ipse nec ejus successores —. *Antichità Estensi di Muratori*, p 250.

Si ergo virgam pastoralitatis signum, si annulum signaculum fidei tradit Laica manus, quid in ecclesia Pontifices agunt. *Paschalis epist. ad Anselmum*, apud *W Malm. de Hen. i. p 163, n. 40.*

— Adversus investituras, aut hominia factam intelligis. Tu vero eos, qui aut investituras accipere, aut investitos benedicere, aut hominia facere —, Domino cooperante, suscipito —. *Paschalis ep. ad Anselmum*, apud *W Malm. p 163. n. 50.*

Investituras ecclesiarum Deo & Sancto Petro remisit, post multas controversias inter eum & Anselmum Archiepiscopum habitas. *W Malm. Hist. de Hen. i p 162. n. 50.*

Sed harum causarum (viz. (about Investitures) tenorem multo verborum circuitu egit dominus Edmerus. *W Malm. de Hen. i. p 163. n. 1.*

* Ita MS.



CHAPTER VII.



Did once purpose to give an account in this book, of the Rise and Progress of Feudal Tenure in *England*. But I have not yet found leisure to discuss that Subject. I shall only touch it lightly.

The Feudal Settlement, by its Gallantry and Splendour, prevailed over all other Laws and Customs, which were not consistent with it. If there were any remains of the Laws and Institutes of the Native Inhabitants of *Britaine*, if any Laws and usages of the *Romans*, if any of the *Saxons* or *Danes*, they all gave place to the Splendid Feudal Laws and Institutes.

The Feudal Settlement changed the Nature and Denomination of all Estates or Possessions: It changed the Course of Inheritance. It alter'd the Form and Face of the Royal Palace, and of the Houses and Households of all Lords and Gentlemen. So that it was a *novum Seculum*.

He that would form a distinct notion of Feudal Tenure with its Services and Appendices, must regulate his conception by the different state in which Feudal Tenures were, in several ages or periods of time. The most ancient State of them is not to be confounded with the Subsequent, nor the Subsequent with the Ancient. That is to say, we must distinguish between the ancient *Beneficia*, and the *Feuda* or *Feoda* in the succeeding times. Because in process of time they much varied from what they were in their first Rise or Institution.

He who shall go about to prove, that the Laws and Customs of the *Anglosaxons*, were the same with the Laws and Customs settled in *England* since the *Norman Conquest*, will (if I can guess right) at once lose his labour, and discover his want of Judgment.

Mr Selden supposeth there was Feudal Tenure in *England* in the *Anglosaxon* times. But this he speaketh doubtingly; for in the same sentence he acknowledgeth, that Military Fiefs were not settled in *England* before the *Conquest*, in like manner as after

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it (u). In another place he speaks as if he thought the dignities of Ealdorman or Earl and Thane were Honorary and Feudal in the Saxon times: But this he speaks faintly. In the same clause he seems to admit, that the Titles of Earl and Baron have prevailed or been settled with us since the coming of the *Normans* (w). And in the same page he owneth, that he had not found the word *Consul* or *Dux* for an Earl, used in any Publick Record of the Kings Courts since the accession of the *Normans*, but always the word *Comes* (x).

I do not say, none of the Feudal Customs were then received or admitted in *England*. But I think there is no appearance that the Feudal Law had then any Vigour or Settlement in *England*.

In the reigns of K K *William* I and II, and of K *Henry* I, the Feudal Customs and Dialect were a-planting in *England*; and in the reign of K *Henry* II they became settled, and, as it were, established here.

There could be no Feudal or Military Tenure, without Feofment, without Homage and Fealty, without Wardship, Marriage and Relief.

Jus Feodale
Anglosaxon.

I demand, by what name the *Anglosaxons* called Feofment, Homage, and Fealty, Wardship, Marriage, and Relief: And so for the rest.

The Truth is, they had none of these things amongst them, either in name or in reality. On the contrary, their language was quite different.

Many men have thought that the Feudal Law was first introduced by the *Longobards*. Several things have casually concurred to settle that opinion. When a thing, suppose a Handwriting, or piece of Workmanship, was antique, they often used, both in *Spain* and *Italy*, to call it *Gothick* or *Longobardick*. And in those Countries, when they called any thing *Gothick* or *Longobardick*, they generally meant little more than that the thing was ancient, rude,

(u) In *England*, before the *Normans*, plainly were Military Fiefs, although not in in like manner as since. *Tit. Hon. edit. in quarto A D 1614. p 300.*

(w) Having thus gone through the dignities of Ealdorman or Earl and Thane, which were honorary and Feu-

dal in the Saxon Times, we come to the Titles of Earl and Baron, as they have succeeded them, and be in use with us since the coming of the *Normans*. *Seldens Tit. Hon. p 526. sect. 7. edit. A D 1672, in Folio.*

(x) *Ib. viz. edit. in Folio, p 526.*

rude, or unlike to the usage of the then present age. In an ancient *memoria* it is said, they made and set-up boundaries or land-marks, according to the Law of the *Goths* (y). In the year DCCCCLX, mention is made of certain Books written in *Gothick* or *Gothick*. *Longobardick* characters (z). Mention is also made of a Book of very great antiquity, written in *Longobardick* letters (a). In fine, some men have said, that the Laws of the *Lombards* were not inferior to the Laws of *Justinian* (b). By the terms *Longobardick Laws*, they commonly meant the *Feudal Laws*: Because the *Feudal Laws* were by many men supposed to have been first brought-in by the *Lombards*.

Another reason which hath led some persons to believe the *Lombards* were the first Planters of the Feudal Laws, might be this; because some *Lombards* appeared early in Publishing and Commenting on Collections of those Laws. Such were *Obertus de Orto* and *Gerardus Niger*; who in their times were *Consuls* of *Milan*, as *Nicolas Rigaltius* hinteth (c); and long after them, *Antonius Mincuccius de Prato Veteri* a Doctor of Laws at *Bolonia* (d). But this reason doth not move me.

The Feudal Laws and Customs were first brought in by the *Franco-galli*.

Both

(y) — Et abierunt dictus Erpo and others, & dederunt ad ipsa cella terminia, & fecerunt fixorias, & fecerunt charactera, sicut Lex Gothorum continet, per loca ubi vocant subtus gurgite, quem vocant rudundo; & vadit per ipsa ferra ad ipsa parata, & inde per ferra longa; & inde vadit ipse terminus per rigo Ferrario, usque ad ipso Palaciolo a Castellano condamnato, & ascendit in pugas & super Clota Boso, & vadit in gurg Cabalar, & usque ad ipsam rogam, quod est super Castro Corbi. *Marca Hispanica in Append. col. 769.*

(z) — Quæque characteribus Longobardicis exarata penes nos asservantur —. Habetur quoque ejus Episcopi mentio in diplomate in membrana exarato characteribus Longobardis —. *Chiocarellus de Episc. Neap.*

p 111. sub A D 960.

(a) Mirando unos libros Goticos de grandissima antigüedad, que el santo y real monasterio de S Millan de la Cogolla de la Orden de mi Padre S Benito tiene; — y en fin deste libro este un tratado, que a muchos cientos de annos, que se escrivio con letras Lombardas —. *Regla y instruccion de S Leandro Arçobispo de Sevilla, viz. in Pref. of Prudencio de Sandoval prefixed to the book.*

(b) Leges Longobardorum Justinianeis non inferiores. *Ughelli Italia Sac. Tom. 4. col. 9. b.*

(c) Nic. Rigalt. in *Præf. ad Baraterium*, p 2. de *Libello Feudor. reformato*; ex recensione Job. Schilteri, *Viri Cl.*

(d) Job. Schilteri *Præf. ad Mincuccium*, sect. 9, 10, 11.

Both the *Feudal* and the *Romanick* terms were in general of *Francogallick* original.

The Feudal Systeme. Consociation.

THE old way of Feoffing for Homage and Service was an excellent means to unite and consociate men together. Thus a Great Lord and his Franktenants by Chivalry were in a sort all of one Family.

I have said before, that the Feudal Systeme and Consociation was very Fine. But in truth, it was too fine and delicate to last many ages together; especially under Vicissitudes.

Feudal Gallantry.

THE Feudal Customs did first give rise to Baronial and Knightly Gallantry. In the Kingdoms where these Customs have been established, there the Chivalerian Splendour was chiefly to be found. The renowned Kingdoms of *England* and *France* are great instances of this.

The Knightly Customs abovementioned refuse to grow or flourish in the homely territories of a Commonwealth or popular State.



CHAPTER VIII.

Holy War.

AFTER the Feudal institutes were settled and brought into form, a new scene of Valour and Glory was opened. The Trompet sounded for the *Holy War*. All *Christendom* began to move. Kings, Princes, Earls, Barons, Knights put-on Armour. Every body strove to excell each other in Prowess. There was likewise no small emulation to excell in Splendour and Gallantry of equipage. There, they shone with Oriflambes and rich Banners, Armorial Cognisances, Gold, Silver, Velvet, Purple, fine Cloths, costly Tents and Pavilions, and many other precious things; so that the like ornaments and costly things were never before brought together in so great quantity (*e*). But such was the Will of God-Almighty, they failed in their attempts. The *Holy War* lasted long. It produced new *Orders* or *Societies* of Knighthood; the *Templars*, the Hospitalers of *St John* of *Jerusalem*, the Hospitalers of *St Mary*, commonly called the *Teutonic* Order. In these and other *Orders*, Religion and Knighthood, Ceremonies of Piety and *Romance* were strangely mixed together.

The *Holy War* made a great Impression upon the minds of men: It moved them with Knightly ardour.

When the Holy War was ended, and the Lords and Knights returned to their own Countries, they retained in their breasts the Love of Glory and Gallantry: So that it became long afterwards very difficult to check or restrain them.

This humour, as it seemeth, produced torneying and justing. I will give the Reader a tast of the violent love they had for Tournaments.

Torneaments.

(*e*) Portabant autem diversi generis species preciosas, aurum & argentum, pallia oloferica, purpuram, siclades, ostrum & multiformium vestium ornamenta; præterea arma varia, tela

multiplicis generis, infinitas loricas, culcitræ de serico acuvariatae operose, papiliones & tentoria preciosissima —, &c. *Brompton apud x Scriptores, col. 1245, nu. 50. sub Rege Ric. 1.*

C c c c

Torneaments.

IN the first year of K *Henry* III, several Earls, Barons, Knights and others met together at *Bly* to tourney. The King sent to them a Patent Letter under his Great Seal. It imported, that whereas the tranquillity of the Realm was at present tender, and capable of being easily disturbed; therefore the King commanded, and firmly charged them upon their Allegiance, and as they loved themselves and all that they had, not to tourney (as they once intended) at *Bly*, or any where else; recommending it to them, so to behave themselves in this case, that the King might not have occasion to punish them in their Bodies and Chattells (*f*).

K *Henry* III, in the sixteenth year of his reign, was going into *Shropshire*, to treat with *Lewelin* Prince of *Abberfrau*. He heard that several persons intended to meet together at the *Round Table*. Hereupon the King, by a close Letter of his Great Seal, commandeth the said persons upon their allegiance, that they do straitway follow him, and not presume to meet at the *Round Table* to turney, against this prohibition; declaring that if they did meet to turney, the King would so forely punish them in their Bodies and Chatells, that they should feel the smart of his displeasure; and besides that, he would not suffer them at any time after to turney in the Kingdom of *England* (*g*).

In

(*f*) Rex omnibus Comitibus, Baronibus, Militibus, & aliis, apud Blyam ad torniandum existentibus, salutem. Cum terræ nostræ tranquillitas adhuc tenera sit, & de levi, quod absit, possit perturbari. Vobis mandamus firmiter præcipientes, quod in fide, qua nobis tenemini, & sicut vos ipsos & omnia vestra diligitis, hac die Lunæ proxima in festo Sancti Dionisii, nullatenus tornietis apud Blyam, sicut proposueratis, ut audivimus, vel alibi; Ne in occasione torneamenti terra nostra, quod absit, turbari videatur. Scia- tis equidem, quod non ob aliud quam

ob hoc quod terræ nostræ turbationem timemus, quod Deus avertat, torneamentum illud nolumus & præcipimus non teneri. Tantum igitur inde faciat, ne ad corpora vestra & catalla nos graviter capere debeamus. In hujus rei, &c. has Literas nostras patentes figillo, &c. vobis inde mittimus. T Comite, W Marescall apud Westmon. iiii^o die Octobris, anno Regni nostri primo. *Pat. 1. Hen. 3. dorso.*

(*g*) De Rotunda Tabula prohibenda.

Rex omnibus fidelibus suis, qui conventuri sunt ad Rotundam Tabulam, salutem.

In the thirtieth year of K *Henry III*, several persons had agreed to meet at *Gudeford*, to tourney. The King by a writ of his Great Seal, commandeth, that they do not tourney, bordier, or do any acts pertaining to Arms, either there or elsewhere, without leave. The Abbot of *Waverli*, and the Prior of *Novel-lieu* were sent by the King to make this Inhibition (*b*).

In the fiftyseventh year of K *Henry III*, several Earls, Barons, Knights, and others were to meet at *Warwick* to turney. The King sent them a *Mandamus* or *Injunction*, commanding them, under their Faith, Homage and Affection, and under pain of losing their lands, tenements, and all the goods they had in his Realm, that they do not presume to tourney, make justs, seek adventures, or go to feats of arms, either at *Warwick* or any where else in the Realm, without the Kings exprefs leave. Assuring them, that if they acted contrary to this Mandate, he would take their lands, tenements, and all their goods into his hand, and retain them as forfeited to him. This was a Patent Writ, issuing out of the Kings Chancery (*i*).

In

salutem. Cum simus in itinere versus partes Salop[iæ], colloquium habituri cum L Principe de Abbeffrau & Domino de Snaudon: Vobis mandamus, firmiter injungentes in fide, qua nobis tenemini, quod tempestive nos sequentes nullatenus ad prædictam Tabulam convenientes turneare præsumatis, contra hanc prohibitionem nostram; scituri pro certo quod si feceritis, ita graviter ad corpora & catalla vestra nos capiemus, quod vos & vestri vos sentietis inde in posterum gravatos; & præterea non permittemus, quod de cætero torneetis in Terra nostra. Teste Rege apud Westm[onasterium] xx^o die Julii. *Pat. 16 Hen. 3. m. 3.*

(*b*) De prohibitione Torneamenti.

Rex inhibuit omnibus, qui conventuri sunt apud Gudef[ord] die Lunæ proxima post octabas Clausi Paschæ, ne eo die vel alio, ibi vel alibi, torneare, burdeare, vel aliqua quæ ad ar-

ma pertineant sine licentia Regis facere præsumant. Et sunt missi ad Inhibitionem illam faciendam, Abbas de Waverli & Prior de Novo Loco. T meipso apud Merton, xii die Aprilis anno regni nostri xxx. *Pat. 30 Hen. 3. m. 5.*

(*i*) Rex Comitibus, Baronibus, Militibus, & omnibus aliis, ad instantem diem Jovis in vigilia beati Martini, seu aliis diebus apud Warrewicum, ad torneandum ibidem conventuris, salutem. Mandamus vobis, in fide, homagio & dilectione, quibus nobis tenemini, firmiter injungentes, & sub pœna amissionis terrarum & tenementorum & omnium bonorum vestrorum, quæ in regno nostro habetis, districte inhibentes, ne ibi vel alibi in eodem regno nostro torneare, justas facere, aventuras quærere, seu alio modo ad arma ire, præsumatis, sine Licentia nostra speciali. Scituri, quod si secus egeritis, nos terras, tenementa & omnia bona

na

In the twenty-seventh year of K *Edward I*, a Writ or Precept issued to the Sherif of the Counties of *Salop* and *Stafford*, commanding him to make publick Proclamation in the Cities, boroughs, market-towns, and other proper places in his bailywick, and to inhibit on the Kings behalf, that no man under forfeiture of Life, limbs, lands and tenements, and of all that he hath in the Realm, do presume to turney, bourdize, make justs or congregations, or otherwise go to arms, within the Realm, without the Kings particular licence. This was a close Letter of Proclamation under the Great Seal. The like Letters of the same Date were directed to the several Sherifs of *England* (*k*). King *Edward I*, in the twentyeighth year of his reign, sent a close Letter under his Great Seal, dated at *Berwick upon Twede*, to the Sherif of *Yorkshire*. By it the King declareth, that he would not have any Turneaments, burdises, or justs, performed by any men in the Realm, whilst the War between him and his Enemies continued. Therefore he commandeth, and firmly enjoineeth the Sherif, to make publick Proclamation in Cities, boroughs, market-towns, and other fit places, all over his Bailywick, and on the Kings behalf straitly to inhibit, that no Knight, Esquire, or other person under forfeiture of life, members, and all that he possesseth in the Kingdom, do by any means presume to torney, bordise, make justs, seek adventures, or otherwise go to arms, without the Kings special license. And if he found any persons presuming to go to arms after this Proclamation and Inhibition, then that he do arrest

na vestra in manum nostram capiemus, & ea retinebimus tanquam nobis forisfacta. In cujus, &c. T Rege apud Westmon. iiii die Novembris. *Pat.* 57. *Hen.* 3. m. 1.

(*k*) De Torneamentis vel burdiciis non tenendis.

Rex Vicecomiti Sallopiae & Staffordiae, salutem. Præcipimus tibi firmiter injungentes, quod statim, visis Literis istis, in Civitatibus, burgis, villis mercatoriis, & locis aliis ubi melius expedire videris, per totam ballivam tuam publice proclamari, & ex parte nostra firmiter inhiberi facias,

nequis sub forisfactura vitæ & membrorum, terrarum & tenementorum, ac omnium, quæ in regno nostro tenet, torneare, bordeare, seu justas vel congregationes facere, aut alias ad armare, infra idem regnum præsumat, quoquo modo, sine nostra licentia speciali. Et hoc sicut de te confidimus, & te & tua diligis, nullo modo omittas. T Rege apud Cantuariam, xv die Septembris.

Consimiles Literæ diriguntur singulis Vicecomitibus per Angliam; T ut supra. *Claus.* 27 *Edw.* 1. m. 9. dorso.

rest their bodies, together with their horses and harness, and safely keep the same, until the King should give commandment touching the same. And finally, that he the Sherif do so diligently execute this mandate, that the King may not have occasion to punish him sorely for his neglect. The like Letters were directed to the rest of the Sherifs of *England*. These Mandates were close Letters of the Great Seal (*l*). The same King in the thirtieth year of his reign, sent the like close Letters of Proclamation under his Great Seal, to the Sherif of *Yorkshire*, and the other Sherifs of *England*, to forbid Tourneaments, bourdises and justs. These were of the same tenour in effect as those of the twentyeighth year abovesited (*m*); and in the same year he sent other

(*l*) De Inhibitione Torneamentorum & Burdiciarum.

Rex Vicecomiti Ebor. salutem. Quia certis de causis nolumus quod torneamenta, burdiciæ, vel justæ aliquæ, per aliquos de regno nostro fiant, quamdiu guerra duraverit inter nos & inimicos nostros: tibi præcipimus firmiter injungentes, quod statim visis Literis istis, in Civitatibus, Burgis, villis mercatoriis, & locis aliis ubi melius expedire videris, per totam ballivam tuam, publice proclamari, & ex parte nostra firmiter inhiberi facias, nequis miles, armiger, vel alius quicumque, sub forisfactura vitæ & membrorum, & omnium quæ tenet in dicto regno, torneare, bordeare, seu justas facere, aventuras quærere, aut alias ad arma ire præsumat quoquo modo, sine nostra licentia speciali: Et si quos in balliva tua inveneris, qui post proclamationem & Inhibitionem hujusmodi, sic ad arma ire præsumpserint, tunc corpora ipsorum, unacum equis & hernefiis suis arestari & salvo custodiri facias, quousque aliud a nobis inde habueris in mandatis. Et taliter te habeas in hoc mandato nostro celeriter exequendo, quod ad te propter tui defectum graviter capere minime debeamus. T Rege apud Berewycum su-

per Twedam, xxx die Decembris.

Consimiles Literæ diriguntur singulis Vicecomitibus per Angliam. *Claus.* 28 *Edw.* I. m. 17. *dorso*.

(*m*) De Inhibitione Torneamentorum.

Rex Vicecomiti Ebor. salutem. Quia certis de causis nolumus, quod torneamenta, burdeiciæ, vel Justæ aliquæ, per aliquos de regno nostro fiant, sine nostra licentia speciali; tibi præcipimus firmiter injungentes, quod statim visis Literis istis, in Civitatibus, Burgis, villis mercatoriis, & locis aliis ubi melius expedire videris, per totam ballivam tuam publice proclamari, & ex parte nostra firmiter inhiberi facias, nequis miles, armiger, vel alius quicumque sub gravi forisfactura, torneare, burdeare, justas facere, aventuras quærere, aut alias ad arma ire præsumat quoquo modo, sine nostra licentia supradicta; & si quos in balliva tua inveneris, qui post proclamationem & inhibitionem hujusmodi sic ad arma ire præsumpserint, tunc equos & hernesia ipsorum sine dilatione arestari, & salvo custodiri facias, quousque aliud a nobis inde habueris in mandatis. Et taliter te habeas in hoc mandato nostro celeriter exequendo, quod ad te propter tui defectum graviter capere

D d d d

minime

ther close Letters of the like import to the Sherif of *Warwickshire*, and also to the Sherif of *Yorkshire* (n); and in the same thirtieth year, besides the said close Letters directed to the Sherif of *Warwickshire*, and to the Sherif of *Yorkshire*, the King sent other Letters under his Great Seal, to the Earls, Barons, Knights, and others, who had appointed to hold Tourneaments at *Warwick*, and at *Doncaster*, straitly commanding them under forfeiture of life and limb, not to tourney, or just (o).

K Ed-

minime debeamus. T Rege apud Westm. xvi die Julii.

Consimiles Literæ diriguntur singulis Vicecomitibus per Angliam. T R. ut supra. *Claus. 30 Edw. 1. m. 11. dorso.*

(n) De Inhibitione Torneamentorum.

Rex Vicecomiti Warr. salutem. Quia Comites, Barones, & alios Magnates & proceres regni nostri, ad instans parliamentum nostrum in octabis Nativitatis Sancti Johannis Baptistæ proximo futuris apud Westmon. tenendum, super quibusdam arduis negociis nos & statum dicti regni tangentibus, nobiscum tractaturos, fecimus summoneri; per quod nolumus quod torneamenta, burdeiciæ vel Justæ aliquæ, per aliquos de eodem regno fiant, quousque dictum parliamentum nostrum plenarie terminetur: tibi præcipimus firmiter injungentes, quod statim visis Literis istis, in Civitatibus, Burgis, villis mercatoriis, & locis aliis ubi melius expedire videris, per totam ballivam tuam, & præcipue apud Warrewicum die dominica in festo Sanctæ Trinitatis proximo futuro, & die Mercurii proximo sequenti, publice proclamari & ex parte nostra inhiberi facias, nequis miles, armiger, vel alius quicunque, sub forisfactura vitæ & membrorum, & omnium quæ tenet in dicto regno, torneare, burdeiare, seu justas facere, aventuras quærere, aut alias ad arma ire præsumat quoquo modo. T Rege apud Chartham xiii die Junii.

Eodem modo mandatum est Vicecomiti Ebor. quod statim, &c. & præcipue apud Doncastre die dominica, &c. ut supra, & die Mercurii, &c. ut supra. T ut supra. *Claus. 30 Edw. 1. m. 13. dorso.*

(o) De Inhibitione Torneamentorum.

Rex dilectis & fidelibus suis, Comitibus, Baronibus, Militibus, & omnibus aliis ad torneandum die Mercurii proxima post instans festum Sanctæ Trinitatis apud Warrewyk conventuris salutem. Quia prælatos proceres & alios Magnates regni nostri, ad instans parliamentum nostrum in octabis Nativitatis Sancti Johannis Baptistæ proximo futuris apud Westmonasterium tenendum, super quibusdam arduis negociis, nos & statum dicti regni tangentibus, nobiscum tractaturos, fecimus summoneri; per quod nolumus quod torneamenta, burdeiciæ, vel justæ aliquæ, per aliquos de eodem regno fiant, quousque dictum parliamentum nostrum plenarie terminetur. Vobis sub forisfactura vitæ, & membrorum, & omnium quæ nobis forisfacere potestis, firmiter inhibemus, ne ibidem ad diem prædictum, nec alibi torneare, bordeare, vel justas facere, aventuras quærere, seu alias ad arma ire quoquo modo præsumatis, quousque parliamentum nostrum prædictum, ut prædicitur, terminetur. T R apud Chartham xii die Junii.

Eodem modo mandatum est Comitibus, &c. ut supra, prædicto die Mercurii

K *Edward* II in the beginning of his reign awarded Writs of Proclamation to the Sherifs of *England*, commanding them to forbid and hinder tourneying and justing within their Bailiwicks. Notwithstanding that Prohibition, several Earls, Barons, Knights and others, proclaimed a Justing to be holden at *Leicester*, at a day by them prefixed; which the King very much wondred at, and was highly displeased with it. Whereupon the King, in the second year of his reign, sent an open Letter under his Great Seal, to the Earls, Barons, Knights and others, straitly inhibiting them, that they do not presume, under grievous forfeiture, to turney or just either at *Leicester*, or any where else in the Kings Dominions, without his special leave (*p*).

If any men disobeyed the King's Proclamations or Mandates issued upon these occasions, the King used to send Mandates to the Sherifs of *England*, commanding them to attach the persons so offending, and to seize their lands, tenements, goods and chattells into the King's hand.

K *Edward* I, in the thirtyfourth year of his reign, issued close Letters of Proclamation in this form. The King to the Sherif of *Shropshire* greeting. We are informed that several of our Subjects do proclaim Tourneaments and Feats of Arms, and intend to go to the same, in great hinderance and retardation of our affairs of *Scotland*, so that they will leave us and our said affairs before

Mercurii apud Donecastre conventuris, ne ibidem ad diem prædictum, nec alibi, &c. ut supra. T R ut supra. *Pat. 30 Edw. 1. m. 21.*

(*p*) De Inhibendo Torneamenta pro Rege.

Rex Comitibus, Baronibus, Militibus, & omnibus aliis fidelibus suis ad quos, &c. salutem. Cum, in singulis Comitibus regni nostri, publice proclamari & firmiter inhiberi fecerimus, nequis cujuscunque status seu conditionis existens, sub forisfactura terrarum & tenementorum, & omnium aliorum quæ nobis forisfacere poterit, proclamationem aliquam de torneamentis, burdiciis, seu justis facere, seu ad aliquod factum Armorum ire præ-

fumat quoquo modo, sine nostra licentia speciali: Ac jam intellexerimus, quod vos torneamentum apud *Leicestriam* fecistis in proximo proclamari, in nostri contemptum, & contra Inhibitionem nostram prædictam; de quo miramur nec immerito, & movemur; vobis adhuc, sicut prius, sub forisfactura prædicta firmiter inhibemus, ne apud dictam villam *Leycestriam*, seu alibi infra regnum ad potestatem nostram, torneare, burdeare, justas facere, seu aliquod aliud genus facti Armorum exercere præsumatis, sine nostra licentia speciali. T Rege apud *Cantuariam* xiii die Octobris. *Pat. 2. Edw. 2. pars 2. m. 22.*

before the same are finished. At which we are unspeakably grieved. We do command you, upon the Faith you owe to us, that upon sight of this Letter, you do make publick Proclamation and Inhibition in our name, in all Cities, boroughs, market-towns, and other proper places within your Bailiwick, that none of our Liege men, do presume to appoint tourneyings, bordises, justings, or other Feats of arms, or go to any such tourneyings, bordises, justings, or other Feats of arms, or be any way concerned therein, untill our War of *Scotland* be ended, under pain of life, limbs, and all that they can forfeit to us. And if, after such Inhibition made, you find any persons attempting the premisses or any of them, then we command you to seise without delay all their lands and tenements, goods and chatells into our hand, and safely keep the same, untill we shall give further orders concerning them; and nevertheless you are to take into custody the bodies of the said disobedient persons, as enemies and traitors to us, and as hinderers of the expedition of our business, and to bring them safely to us, that we may take such course with them, as to us shall seem meet. The like Letters were directed to the several Sherifs of *England* (q).

K *Edward*

(q) De Inhibitione Torneamentorum, & Attachiamiento inde faciendo.

Rex Vicecomiti Salopiæ salutem. Quia intelleximus, quod aliqui de nostris faciunt, & facere proponunt, torneamenta & alia facta armorum proclamare, & ad proclamationem hujusmodi incedere, in retardationem & impedimentum negotiorum nostrorum Scociæ, nos & dicta negocia nostra antequam completa fuerint & terminata relinquendo, de quo tædio & gravamine afficimur in immensum. Tibi præcipimus, in fide qua nobis teneris, firmiter injungentes, quod statim visis Literis istis, in Civitatibus, Burgis, villis mercatoriis, & aliis locis infra ballivam tuam, tam infra Libertates quam extra, ubi melius fore videris faciendum, publice proclamari, & per nos strictè facias inhiberi, nequi de nostra ligeancia, & ad fidem nostram existen-

tes, torneamenta, bordeicias, Justas, seu alia facta armorum proclamare præsumant, nec ad hujusmodi torneamenta, bordeicias, justas, vel alias ad alia facta armorum incedant, seu de illis infra potestatem nostram aut alibi se intromittant, donec guerra nostra Scociæ sit finita, & aliud super hoc duxerimus ordinandum, sub pœna vitæ & membrorum, & omnium aliorum, quæ erga nos forisfacere poterint. Et si quos infra ballivam tuam, post dictam inhibitionem nostram factam, præmissa vel aliquod præmissorum inveneris attemptantes, tunc omnes terras & tenementa, bona & catalla eorundem, sine dilatione seisiri in manum nostram, & ea salvo custodiri facias, donec aliud a nobis inde habueris in mandatis; & nichilominus corpora eorundem sic nobis & mandatis nostris inobediencium capias, &

K *Edward* III, in the thirtyfourth year of his reign, prohibited Torneaments after the like manner. He sent close Letters of Proclamation to the several Sherifs of *England*. Thereby he commandeth them, to proclaim publickly and inhibit, that no persons under forfeiture of life, limbs, lands, tenements, goods and chatells, do hold torneaments, juffs or bordises, or go to arms, within their Bailywicks. And if they found any persons offending therein, that they do take, and safely keep them in prison, till the King gave further directions about them; and to certify the King of what they should do in the execution of these precepts (r).

eos tanquam inimicos & proditores nostros, necnon expeditionis negotiorum nostrorum impeditores, nobisque ac mandatis nostris penitus inobedientes, salvo & secure ad nos duci facias. Ita quod nos inde possumus ordinare, prout nobis videbitur expedire. Teste Rege apud Westdoriton xxiiii die Septembris.

Consimiles Literæ diriguntur singulis Vicecomitibus per Angliam. *Clausæ 34 Edw. 1. m. 5. dorso.*

(r) De Inhibitione Torneamentorum.

Rex Vicecomiti Lincolnæ salutem. Præcipimus tibi, firmiter injungentes, quod statim visis præsentibus, per totam ballivam tuam, in Civitatibus, Burgis, & locis aliis quibus melius videris expedire, publice proclamari, & districtè ex parte nostra facias inhiberi, nequi sub forisfactura vitæ & membrorum, terrarum & tenementorum, bonorum & catallorum suorum, ac omnium illorum quæ nobis forisfacere poterunt, torneamenta, justas aut burdeicias facere, seu aliter infra ballivam tuam ad arma ire præsumant, set se præparent quanto potentius poterunt, ad proficiscendum nobiscum in obsequium nostrum ad partes Scociæ, ad rebellionem & nequiciam quorundam Scotorum rebellium & proditorum nostrorum, jam contra nos prodicio-

In
naliter insurgencium, viriliter, cum Deo & ipsorum adjutorio, reprimentam; Ita quod omnes homines ad arma de balliva tua, quilibet videlicet juxta exigenciam Status sui, sint ad nos cum equis & armis apud Karliolum, in quindena Nativitatis Sancti Johannis Baptistæ proximo futura ad ultimum, ad apponendum una nobiscum, & cum consimilibus fidelibus nostris, quos tunc nobiscum ibidem adesse contigerit, super negociis statum terræ nostræ Scociæ tangentibus, prout nobis Altissimus duxerit inspirandum consilium & juvamen. Præcipimus etiam tibi, quod si qui vel quis torneamenta, justas, aut burdeicias, contra hanc inhibitionem nostram, infra ballivam tuam facere, seu aliter ad arma ire præsumant vel præsumat, tunc corpora ipsorum vel ipsius, quos vel quem delinquentes vel delinquentem inveneris in hac parte, sine dilatione capias, & in prisona nostra salvo custodias, donec aliud inde præceperimus. Et nos de hiis quæ facienda duxeris in præmissis, in crastino Sanctæ Trinitatis proximo futuro reddas distincte & aperte certiores, hoc breve nobis remittentes. T Rege apud Wolveseye vi die Aprilis.

Eodem modo mandatum est singulis Vicecomitibus Angliæ. *Clausæ 34 Edw. 3. m. 16. dorso.*

E e e e

In like form *mutatis mutandis* K *Edward* III, in the one and twentieth year of his reign, by Precepts under his Great Seal, commandeth the Sheriffs of *England* to proclaim and inhibit, that no Great man or other do presume to just, torney, or do other Faicts of arms, within the Kingdom of *England*, under pain of forfeiting his horses, armour, and all other things forfeitable; and if, after such publick Inhibition, they found any persons acting contrary, then to take such persons by their bodies, and commit them to prison, and to seise into the Kings hand all their horses, armour, harness, and other things found with them; and to certify into the Kings Chancery the names of all whom they shall so arrest, and the value of the horses, armour, and other things (s).

In the two and twentieth year of K *Edward* III, *Richard de Goldesburgh* Chivaler, *John de Calverlee* Chivaler, *John Chamoun* Chivaler, *Warin Scargil* Chivaler, *William Calverlee*, *John de Quernby*, *Robert de Mosegrave*, *John Bosevill* son of *Warin Bosevill* Chivaler, *John Bosevill* of *Mirefeld*, *William Scargil*, *Henry Scargil*, *Guy de Stapelton*, *John de Wamwell*, *John Toures*, *William de Mirefeld*, and *John de Sheffeld*, had committed trespasses in holding Justs at *Wakefeld* in *Yorkshire*, contrary to the King's Inhibition. The King by his open Letter under his Great Seal, pardoned

(s) De forisfactura. Rex Vicecomitibus Londoniæ salutem. Præcipimus vobis, quod statim visis præsentibus, in locis in Civitate prædicta ubi videritis expedire, publice proclamari, & ex parte nostra firmiter faciatis inhiberi, ne quis Magnas, seu quisvis alius, cujuscunque status fuerit, justeare, burdeare, torneare, aut alia facta armorum, infra regnum nostrum Angliæ, facere seu exercere præsumat, sub forisfactura equorum & armorum suorum, & omnium aliorum quæ nobis forisfacere poterit; & si quos, post proclamationem & inhibitiones nostras prædictas inveneritis contraria facientes, tunc eos per corpora sua capi, & usque turrim nostram Londoniæ duci seu mitti faciatis, Constabulario nostro vel ejus locum tenenti ibidem liberanda, ac eorum e-

quos, armaturas, hernefia, ac alia res & bona sua secum inventa, in manum nostram tanquam nobis forisfacta, capi & salvo ad opus nostrum custodiri faciatis, quousque aliud inde a nobis habueritis in mandatis. Nos in Cancellaria nostra de nominibus omnium & singulorum quos sic arrestaveritis, ac de valore equorum, armaturarum & aliarum rerum & bonorum suorum, & quæ & cujuscumque, & quorum fuerint, ac de toto facto vestro in hac parte, distincte & aperte sub sigillis vestris certificantes indilate. Et hoc sub incumbenti periculo nullatenus omittatis. T Rege apud Westm. xii^o die Novembris.

Consimilia brevia diriguntur singulis Vicecomitibus per Angliam, sub eadem data, mutatis mutandis. Originale Cancellariæ 21 Edw. 3. Rot. 47.

pardoned them their Trespases, and all the forfeiture incurred thereby (t).

Insertion, p. 211. line 3.

In the reign of K *Henry III*, certain Inquisitors were summoned by writ of *Venire facias*, to appear before the Barons of the Exchequer, to find, whether *William de Fesnes* or any of his Ancestors did the Service of one Knight, for the six Knights Fees which he held of the King *in Capite* of the *Honor of Boloigne*, &c. Those Inquisitors were all or most of them, as it seemeth, Barons (u).

(t) Pro Ricardo de Goldeburgh, & aliis, qui iustas fecerunt contra proclamationem.

Rex omnibus ballivis & fidelibus suis ad quos, &c. salutem. Sciatis quod de gratia nostra speciali, perdonavimus Ricardo de Goldeburgh Chivaler, Johanni de Calverlee Chivaler, Johanni Chamoun Chivaler, Warino Scargil Chivaler, Willelmo Calverlee, Johanni de Quernby, Roberto de Mosegrave, Johanni Bofevill filio Warini Bofevill Chivaler, Johanni Bofevill de Mirefeld, Willelmo Scargil, Henrico Scargil, Guidoni de Stapelton, Johanni de Wamwell, Johanni Toures, Willelmo de Mirefeld, & Johanni de Sheffield, transgressionem quas nuper fecerunt, iustas apud Wakefeld in Comitatu Eboraci, contra proclamationem & defensionem ex parte nostra factas exercendo, ac etiam forisfacturam & quicquid ad nos pertinet in hac parte. Nolentes quod iidem Ricardus, Johannes, Johannes, Warinus, Willelmus, Johannes, Robertus, Johannes, Johannes, Willelmus, Henricus, Guido, Johannes, Johannes, Willelmus, & Johannes, occasione transgressionum prædictarum, per nos vel hæredes nostros, seu ministros nostros quoscunque occasionentur, molestantur aliququaliter, seu graventur. In cuius, &c. T Rege apud Westmonasterium quarto die Julii. Per ipsum Re-

gem. *Pat. 22. E. 3. pars 2. m. 24.*

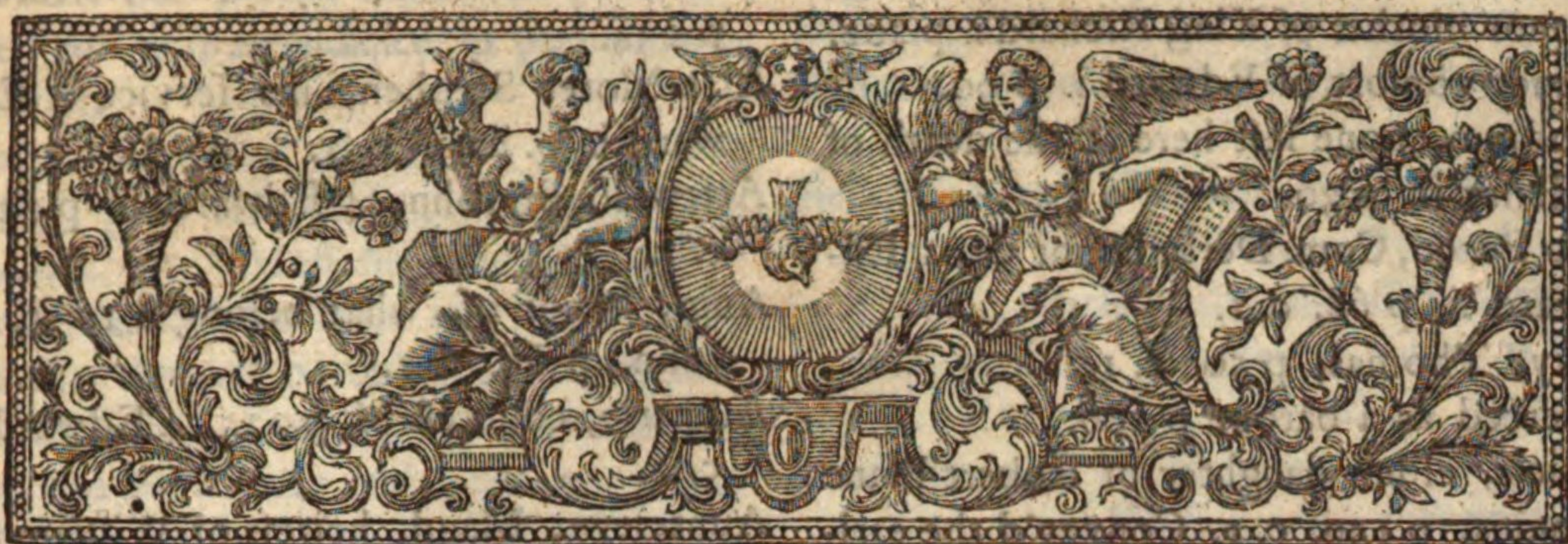
(u) Essexia. Mandatum est Vicecomiti, quod Venire faciat coram Baronibus, &c. a die Sancti Michaelis in xv dies, Rolandum de Aksted, Willelmum de Roucestria, Ricardum de Witsand, Willelmum Ruffum, Radulfum de Engleis, Radulfum de Cogeshall, Willelmum de Cumberton, Philippum de Abinton, Walterum de Leycestria, Robertum Hemel, Andream de Perles, Ingeramum de Merk, Gilebertum Maudut, Ricardum Maudut, Henricum de Essexia, Robertum de Borham, Andream de Waggefare, Galfridum de Slamundesheye, Willelmum de Standover de Nuth, Simonem de Stanford, Johannem de Lamburn, Gilebertum de Breaute, Com[item] Hugonem de Ver, & Vitalem Engayne, *in all twenty four persons*, ad recognoscendum super sacramentum suum, si Willelmus de Fesnes, vel aliquis antecessorum suorum aliud Regi, vel Prædecessoribus suis, servitium fecerint, vel facere debeant, quam servitium unius Militis, pro vi feodis Militum quæ dicitur de Rege tenere in Capite de Honore Boloigne, & si aliquando plena servicia vi Militum de illis feodis soluta fuerunt Regi in Scutagio ad Scaccarium, sicut tempore Johannis de Cornerde, qui aliquando fuit Ballivus Regis de Honore Boloigne, vel tempore aliorum Ballivorum ejusdem

eiusdem Honoris; utrum tunc feoda illa essent in manu Regis, vel in manu dicti Willelmi, vel aliquorum antecessorum suorum; & utrum dicta Scutagia tunc fuerunt sponte soluta, a

dicto Willelmo, & Militibus suis tanquam debita, vel ab eis per Vicecomitem extorta. Et habeat ibi tunc hoc breve. *Memor. 22 Hen. 3. Rot. 6. a.*

ERRATA.

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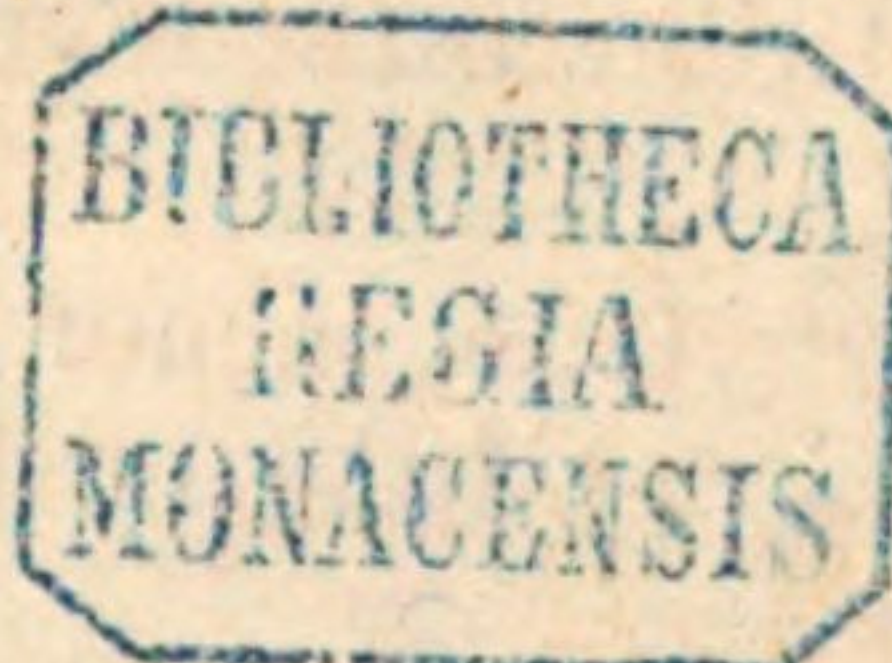
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